

Oahu M

The proposed unit Oahu M provides unoccupied habitat for two species: *Centaurium sebaeoides* and *Sesbania tomentosa*. Designation of this unit is essential to the conservation of these species because it contains the physical and biological features that are

considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for these species of 8 to 10 populations and 300 mature individuals per population throughout their known historical range (see the discussion of conservation

requirements in Section D, and in the table for Oahu M).

This unit contains a total of 100 ha (246 ac) on State (Malaekahana State Recreation Area), Federal (James Campbell National Wildlife Refuge), and private lands. The natural feature found in this unit is the coastline from Kahuku Point to Makahoa Point.

Species	Notes	
	*Species is wide ranging, each island was probably one large, population. **volcanic or clay soils	*Species is wide ranging, each island was probably one large, population.
	14. Hybridization is possible.	
	13. Restricted habitat requirements	X* *
	12. Narrow endemic.	
	11. Annual-500/pop.	X
	10. Short-lived perennial-300/pop.	
	9. Long-lived perennial-100/pop.	X
	8. Not all occupied habitat needed	X
	7. Species with variable habitats.	X
	6. Several occ. vulnerable to destruction	X
	5. Non-viable populations.	X
	4. Multi-island/no current other islands.	
	3. Multi-island/current other islands.	X
	2. Island endemic.	
	1. 8-10 pop. guidelines	X* *
	<u>Centaurium seabacoides</u>	<u>Sesbania tomentosa</u>

Table for Oahu M

Oahu N

The proposed unit Oahu N provides unoccupied habitat for two species: *Centaurium sebaeoides* and *Sesbania tomentosa*. Designation of this unit is essential to the conservation of these species because it contains the physical

and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for these species of 8 to 10 populations and 300 mature individuals per population

throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu N).

This unit contains a total of 5 ha (12 ac) on State lands. This unit is the Mokuauia Island State Seabird Sanctuary.

Table for Oahu N

Notes		
	*Species is wide ranging, each island was probably one large, population. **volcanic or clay soils	*Species is wide ranging, each island was probably one large, population.
14. Hybridization is possible.		
13. Restricted habitat requirements	X*	
12. Narrow endemic.		
11. Annual-500/pop.	X	
10. Short-livedperennial-300/pop.		X
9. Long-lived perennial-100/pop.		
8. Not all occupied habitat needed		X
7. Species with variable habitats.		X
6. Several occ. vulnerable to destruction	X	X
5. Non-viable populations.	X	X
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.	X	X
2. Island endemic.		
1. 8-10 pop. guidelines	X*	X*
Species	<u>Centaurium sebaeoides</u>	<u>Sesbania tomentosa</u>

Oahu O

The proposed unit Oahu O provides occupied habitat for three species: *Cyanea crispa*, *Cyanea truncata*, and *Schiedea kaalae*. It is proposed for designation because it contains the physical and biological features that are considered essential for their

conservation on Oahu, and provides habitat to support one or more of the 8 to 10 populations and 300 mature individuals per population for each species throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species (see the

discussion of conservation requirements in Section D, and in the table for Oahu O).

This unit contains a total of 431 ha (1,066 ac) on State (Kahana Valley State Park) and private lands. The natural features found in this unit are Puu Manamana and Secret Valley.

Notes			
14. Hybridization is possible.			
13. Restricted habitat requirements			
12. Narrow endemic.			
11. Annual–500/pop.			
10. Short-livedperennial–300/pop.	X	X	X
9. Long-lived perennial–100/pop.			
8. Not all occupied habitat needed	X		X
7. Species with variable habitats.	X	X	X
6. Several occ. vulnerable to destruction	X	X	X
5. Non-viable populations.	X	X	X
4. Multi-island/no current other islands.			
3. Multi-island/current other islands.			
2. Island endemic.	X	X	X
1. 8–10 pop. guidelines	X	X	X
	<u>Cyanea crispa</u>	<u>Cyanea truncata</u>	<u>Schiedea kaalae</u>

The proposed unit Oahu P provides occupied habitat for three species: *Bonamia menzeisii*, *Euphorbia*

haeleeleana, and *Nototrichium humile*. It is proposed for designation because it contains the physical and biological features that are considered essential for

their conservation on Oahu, and provides habitat to support one or more of the 8 to 10 populations and 300 mature individuals per population for

each species throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species. This unit also provides unoccupied habitat for three species: *Gouania vitifolia*, *Hibiscus brackenridgei*, and *Isodendron pyriformum*. Designation of this unit is essential to the conservation of these

species because it contains the physical and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for these species of 8 to 10 populations and 300 mature individuals per population

throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu P).

This unit contains a total of 2 ha (3 ac) on City and County of Honolulu land. This unit is Mokolii Island (Chinaman's Hat), part of Kualoa Regional Park.

Table for Oahu P

Notes	*Species is wide ranging, each island was probably one large, population.	*Species is wide ranging, each island was probably one large, population.	*Species is wide ranging, each island was probably one large, population.	*Species is wide ranging, each island was probably one large, population.	*Historical on Oahu	
14. Hybridization is possible.						
13. Restricted habitat requirements						
12. Narrow endemic.						
11. Annual-500/pop.						
10. Short-livedperennial-300/pop.	X	X	X	X	X	X
9. Long-lived perennial-100/pop.						
8. Not all occupied habitat needed	X					X
7. Species with variable habitats.	X	X	X	X	X	X
6. Several occ. vulnerable to destruction		X	X	X		X
5. Non-viable populations.	X	X	X	X	X *	X
4. Multi-island/no current other islands.						X
3. Multi-island/current other islands.	X	X	X	X	X*	
2. Island endemic.						
1. 8-10 pop. guidelines	X *	X *	X *	X *	X	X
Species	<u>Bonamia menziesii</u>	<u>Euphorbia haeleeleana</u>	<u>Gouania vitifolia</u>	<u>Hibiscus brackenridgei</u>	<u>Isodendron pyriform</u>	<u>Nototrichium humile</u>

Oahu Q

The proposed unit Oahu Q provides unoccupied habitat for one species: *Sesbania tomentosa*. Designation of this unit is essential to the conservation of this species because it contains the physical and biological features that are

considered essential for its conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for *Sesbania tomentosa* of 8 to 10 populations and 300 mature individuals per population throughout its known historical range

(see the discussion of conservation requirements in Section D, and in the table for Oahu Q).

This unit contains a total of 1 ha (3 ac) on State land. This unit is a portion of the Moku Manu State Seabird Sanctuary.

Species	Notes	
	*Species is wide ranging, each island was probably one large, population.	
	14. Hybridization is possible.	
	13. Restricted habitat requirements	
	12. Narrow endemic.	
	11. Annual-500/pop.	
	10. Short-livedperennial-300/pop.	X
	9. Long-lived perennial-100/pop.	
	8. Not all occupied habitat needed	X
	7. Species with variable habitats.	X
	6. Several occ. vulnerable to destruction	X
	5. Non-viable populations.	X
	4. Multi-island/no current other islands.	
	3. Multi-island/current other islands.	X
	2. Island endemic.	
	1. 8-10 pop. guidelines	X *
<u>Sesbania tomentosa</u>		

Table for Oahu Q

Oahu R

The proposed unit Oahu R provides unoccupied habitat for two species: *Chamaesyce kuwaleana* and *Sesbania tomentosa*. Designation of this unit is essential to the conservation of these species because it contains the physical

and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for these species of 8 to 10 populations and 300 mature individuals per population

throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu R).

This unit contains a total of 6 ha (15 ac) on State land. This unit is a portion of the Moku Manu State Seabird Sanctuary.

Table for Oahu R

Notes	*Not enough suitable habitat for 8 to 10 pops	*Species is wide ranging, each island was probably one large, population.
14. Hybridization is possible.		
13. Restricted habitat requirements		
12. Narrow endemic.		
11. Annual–500/pop.		
10. Short-livedperennial–300/pop.	X	X
9. Long-lived perennial–100/pop.		
8. Not all occupied habitat needed		X
7. Species with variable habitats.	X	X
6. Several occ. vulnerable to destruction	X	X
5. Non-viable populations.	X	X
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.		X
2. Island endemic.	X	
1. 8–10 pop. guidelines	X *	X *
Species	<u>Chamaesyce kuwaleana</u>	<u>Sesbania tomentosa</u>

Oahu S

The proposed unit Oahu S provides unoccupied habitat for two species: *Sesbania tomentosa* and *Vigna owahuense*. Designation of this unit is essential to the conservation of these species because it contains the physical

and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for these species of 8 to 10 populations and 300 mature individuals per population

throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu S).

This unit contains a total of 4 ha (12 ac) on State land. This unit is one of the Mokulua Islands State Seabird Sanctuary.

Table for Oahu S

Notes	*Species is wide ranging, each island was probably one large, population.	*Species is wide ranging, each island was probably one large, population. **Historical on Oahu ***Open dry fossil reef, climbing over shrubs and grasses on limestone deposit and on fairly steep slopes.
14. Hybridization is possible.		
13. Restricted habitat requirements		X* **
12. Narrow endemic.		
11. Annual-500/pop.		
10. Short-livedperennial-300/pop.	X	X
9. Long-lived perennial-100/pop.		
8. Not all occupied habitat needed	X	
7. Species with variable habitats.	X	
6. Several occ. vulnerable to destruction	X	
5. Non-viable populations.	X	X **
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.	X	X* *
2. Island endemic.		
1. 8-10 pop. guidelines	X *	X *
Species	<u>Sesbania tomentosa</u>	<u>Vigna o-wahuensis</u>

Oahu T

The proposed unit Oahu T provides unoccupied habitat for two species: *Sesbania tomentosa* and *Vigna owahuense*. Designation of this unit is essential to the conservation of these species because it contains the physical

and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for each species of 8 to 10 populations and 300 mature individuals per population

throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu T).

This unit contains a total of 4 ha (9 ac) on State land. This unit is one of the Mokulua Islands State Seabird Sanctuary.

Table for Oahu T

Notes		
	*Species is wide ranging, each island was probably one large, population.	*Species is wide ranging, each island was probably one large, population. **Historical on Oahu ***Open dry fossil reef, climbing over shrubs and grasses on limestone deposit and on fairly steep slopes.
14. Hybridization is possible.		
13. Restricted habitat requirements		X* **
12. Narrow endemic.		
11. Annual-500/pop.		
10. Short-livedperennial-300/pop.	X	X
9. Long-lived perennial-100/pop.		
8. Not all occupied habitat needed	X	
7. Species with variable habitats.	X	
6. Several occ. vulnerable to destruction	X	
5. Non-viable populations.	X	X**
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.	X	X* *
2. Island endemic.		
1. 8-10 pop. guidelines	X*	X*
Species	<u>Sesbania tomentosa</u>	<u>Vigna o-wahuensis</u>

Oahu U

The proposed unit Oahu U provides unoccupied habitat for three species: *Chamaesyce kuwaleana*, *Sesbania tomentosa*, and *Vigna o-wahuense*. Designation of this unit is essential to the conservation of these species because it contains the physical and

biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for these species of 8 to 10 populations and 100 mature individuals per population of *Vigna o-wahuense*, or 300 mature individuals per population of

Chamaesyce kuwaleana and *Sesbania tomentosa*, throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu U).

This unit contains a total of 27 ha (67 ac) on State land. This unit is the Manana Island State Seabird Sanctuary.

Table for Oahu U

Notes	*Not enough suitable habitat for 8 to 10 pops	*Species is wide ranging, each island was probably one large, population.
14. Hybridization is possible.		
13. Restricted habitat requirements		
12. Narrow endemic.		
11. Annual-500/pop.		
10. Short-lived perennial-300/pop.	X	X
9. Long-lived perennial-100/pop.		
8. Not all occupied habitat needed		X
7. Species with variable habitats.	X	X
6. Several occ. vulnerable to destruction	X	X
5. Non-viable populations.	X	X
4. Multi-island/no current other islands.		
3. Multi-island/current other islands.		X
2. Island endemic.	X	
1. 8-10 pop. guidelines	X *	X *
Species	<u>Chamaesyce kuwaleana</u>	<u>Sesbania tomentosa</u>

<i>Oahu V</i> The proposed unit Oahu V provides unoccupied habitat for one species: <i>Sesbania tomentosa</i> . Designation of this unit is essential to the conservation of this species because it contains the physical and biological features that are	considered essential for its conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for this species of 8 to 10 populations and 300 mature individuals per population throughout its known historical range (see the	discussion of conservation requirements in Section D, and in the table for Oahu V). This unit contains a total of 4 ha (10 ac) on State land. This unit is the Kaohikaipu Island State Seabird Sanctuary.
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Table for Oahu V

Species	Notes	*Species is wide ranging, each island was probably one large, population.
<u>Sesbania tomentosa</u>	1. 8–10 pop. guidelines	X *
	2. Island endemic.	
	3. Multi-island/current other islands.	X
	4. Multi-island/no current other islands.	
	5. Non-viable populations.	X
	6. Several occ. vulnerable to destruction	X
	7. Species with variable habitats.	X
	8. Not all occupied habitat needed	X
	9. Long-lived perennial–100/pop.	
	10. Short-livedperennial–300/pop.	X
	11. Annual–500/pop.	
	12. Narrow endemic.	
	13. Restricted habitat requirements	
	14. Hybridization is possible.	

Oahu W

The proposed unit Oahu W provides occupied habitat for two species: *Centaurium sebaeoides* and *Marsillea villosa*. It is proposed for designation because it contains the physical and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more of the 8 to 10 populations and 300 mature individuals per population for *Centaurium sebaeoides*, or one or more

of the 6 populations for *Marsilea villosa*, throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species. This unit also provides unoccupied habitat for one species: *Cyperus trachysanthos*. Designation of this unit is essential to the conservation of this species because it contains the physical and biological features that are considered essential for its conservation on Oahu, and provides habitat to support one or more additional

populations necessary to meet the recovery objectives for this species of 8 to 10 populations and 300 mature individuals throughout its known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu W).

This unit contains a total of 340 ha (840 ac) on private and City and County of Honolulu lands. The natural features found in this unit are portions of Koko Head, Nonoula, Ihiihilaūakea, Kuamoo Kane, and Puu Mai.

Notes		*Species is wide ranging, each island was probably one large, population. **wet sites (mud flats, wet clay soil, seasonal ponds, or wet cliff seeps) on coastal cliffs or talus slopes	*Recovery goal is 6 populations. **Seasonal wetlands in cinder craters, vernal pools surrounded by lowland dry forest vegetation, mud flats, and lowland grasslands.
14. Hybridization is possible.	X *		X **
13. Restricted habitat requirements		X* *	
12. Narrow endemic.	X		
11. Annual-500/pop.	X		X
10. Short-livedperennial-300/pop.		X	
9. Long-lived perennial-100/pop.			
8. Not all occupied habitat needed			
7. Species with variable habitats.			
6. Several occ. vulnerable to destruction	X		X
5. Non-viable populations.	X	X	X
4. Multi-island/no current other islands.			
3. Multi-island/current other islands.	X	X	X
2. Island endemic.			
1. 8-10 pop. guidelines		X *	X *
Species	<u>Centaurium sebaeoides</u>	<u>Cyperus trachysanthos</u>	<u>Marsilea villosa</u>

Table for Oahu W

Oahu X

The proposed unit Oahu X (X1 and X2) provides occupied habitat for two species: *Cyperus trachysanthos* and *Spermolepis hawaiiensis*. It is proposed for designation because it contains the physical and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more of the 8 to 10 populations and 300 mature individuals per population for *Cyperus trachysanthos*, or 500 mature individuals for *Spermolepis*

hawaiiensis, throughout their known historical range considered by the recovery plans to be necessary for the conservation of each species. This unit also provides unoccupied habitat for two species: *Gouania meyenii* and *Marsilea villosa*. Designation of this unit is essential to the conservation of these species because it contains the physical and biological features that are considered essential for their conservation on Oahu, and provides habitat to support one or more additional populations necessary to meet the recovery objectives for these

species of 8 to 10 populations and 300 mature individuals for *Gouania meyenii*, or one or more of the 6 populations for *Marsilea villosa*, throughout their known historical range (see the discussion of conservation requirements in Section D, and in the table for Oahu X).

This unit contains a total of 125 ha (290 ac) on State land and land leased to the Hawaii Army National Guard. This unit contains units X1 and X2. This unit is a portion of the Diamond Head State Monument and includes the Kuilei Cliffs portion of the crater.

Notes	*Species is wide ranging, each island was probably one large, population. **wet sites (mud flats, wet clay soil, seasonal ponds, or wet cliff seeps) on coastal cliffs or talus slopes		*Recovery goal is 6 populations. **Seasonal wetlands in cinder craters, vernal pools surrounded by lowland dry forest vegetation, mud flats, and lowland grasslands.	
14. Hybridization is possible.				X *
13. Restricted habitat requirements	X *		X *	
12. Narrow endemic.				X
11. Annual–500/pop.			X	X
10. Short-livedperennial–300/pop.	X	X		
9. Long-lived perennial–100/pop.				
8. Not all occupied habitat needed				
7. Species with variable habitats.		X		
6. Several occ. vulnerable to destruction		X	X	X
5. Non-viable populations.	X	X	X	X
4. Multi-island/no current other islands.				
3. Multi-island/current other islands.	X	X	X	X
2. Island endemic.				
1. 8–10 pop. guidelines	X *	X	X *	
Species	<u>Cyperus trachysanthos</u>	<u>Gouania meyenii</u>	<u>Marsilea villosa</u>	<u>Spermolepis hawaiiensis</u>

Table for Oahu X

Effects of Critical Habitat Designation*Section 7 Consultation*

Section 7(a) of the Act requires Federal agencies, including the Service, to ensure that actions they fund,

authorize, or carry out do not destroy or adversely modify critical habitat. Destruction or adverse modification occurs when a Federal action directly or indirectly alters critical habitat to the extent it appreciably diminishes the

value of critical habitat for the conservation of the species. Individuals, organizations, States, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on

Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory.

We may issue a formal conference report, if requested by the Federal action agency. Formal conference reports include an opinion that is prepared according to 50 CFR 402.14, as if the species was listed or critical habitat was designated. We may adopt the formal conference report as the biological opinion when the species is listed or critical habitat is designated, if no substantial new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into formal consultation with us. Through this consultation, the Federal action agency would ensure that the permitted actions do not destroy or adversely modify critical habitat.

If we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we would also provide reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs

associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions under certain circumstances, including instances where critical habitat is subsequently designated and the Federal agency has retained discretionary involvement, or control has been retained or is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation or conferencing with us on actions for which formal consultation has been completed if those actions may affect designated critical habitat or adversely modify or destroy proposed critical habitat.

Activities on Federal lands that may affect critical habitat of one or more of the 99 plant species will require Section 7 consultation. Activities on private or State lands requiring a permit from a Federal agency, such as a permit from the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act (33 U.S.C. 1344 *et seq.*), or a section 10(a)(1)(B) permit from us, or some other Federal action, including funding (e.g. from the Federal Highway Administration, Federal Aviation Administration (FAA), Federal Emergency Management Agency (FEMA)), permits from the Department of Housing and Urban Development, activities funded by the Environmental Protection Agency (EPA), Department of Energy, or any other Federal agency; regulation of airport improvement activities by the FAA; and construction of communication sites licensed by the Federal Communication Commission will also continue to be subject to the section 7 consultation process. Federal actions not affecting critical habitat and actions on non-Federal lands that are not federally funded, authorized, or permitted do not require section 7 consultation.

Section 4(b)(8) of the Act requires us to briefly describe and evaluate in any proposed or final regulation that designates critical habitat those activities involving a Federal action that may adversely modify such habitat or that may be affected by such designation. We note that such activities may also jeopardize the continued existence of the species.

Activities that, when carried out, funded, or authorized by a Federal agency, may directly or indirectly adversely affect critical habitat include, but are not limited to:

(1) Activities that appreciably degrade or destroy the primary constituent elements including, but not limited to:

overgrazing; maintenance of feral ungulates; clearing or cutting of native live trees and shrubs, whether by burning or mechanical, chemical, or other means (e.g., woodcutting, bulldozing, construction, road building, mining, herbicide application); introducing or enabling the spread of non-native species; and taking actions that pose a risk of fire;

(2) Activities that alter watershed characteristics in ways that would appreciably reduce groundwater recharge or alter natural, dynamic wetland or other vegetative communities. Such activities may include water diversion or impoundment, excess groundwater pumping, manipulation of vegetation such as timber harvesting, residential and commercial development, and grazing of livestock or horses that degrades watershed values;

(3) Rural residential construction that includes concrete pads for foundations and the installation of septic systems where a permit under section 404 of the Clean Water Act would be required by the Corps;

(4) Recreational activities that appreciably degrade vegetation;

(5) Mining of sand or other minerals;

(6) Introducing or encouraging the spread of non-native plant species; and

(7) Importation of non-native species for research, agriculture, and aquaculture, and the release of biological control agents.

If you have questions regarding whether specific activities will likely constitute adverse modification of critical habitat, contact the Field Supervisor, Pacific Islands Office (see **ADDRESSES** section). Requests for copies of the regulations on listed plants and animals, and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species/Permits, 911 N.E. 11th Ave., Portland, OR 97232-4181 (telephone 503/231-2063; facsimile 503/231-6243).

Relationship to Habitat Conservation Plans and Other Planning Efforts

Currently, there are no HCPs that include any of the plant species discussed in this proposal as covered species. In the event that future HCPs covering any of the discussed plant species are developed within the boundaries of designated critical habitat, we will work with applicants to encourage them to provide for protection and management of habitat areas essential to the conservation of the species. This could be accomplished by either directing development and habitat modification to nonessential

areas, or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process would provide an opportunity for more intensive data collection and analysis regarding the use of particular areas by these plant species. If an HCP that addresses one or more of the 99 plant species as covered species is ultimately approved, we will reassess the critical habitat boundaries in light of the HCP. We intend to undertake this review when the HCP is approved, but funding and priority constraints may influence the timing of such a review.

Economic and Other Relevant Impacts

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial information available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such exclusion will result in the extinction of the species concerned.

We will conduct an analysis of the economic impact of designating these areas as critical habitat and in accordance with recent decisions in the *N.M. Cattlegrowers Ass'n v. U.S. Fish and Wildlife Serv.*, 248 F.3d 1277 (10th Cir. 2001) prior to a final determination. The economic analysis will include detailed information on the baseline costs and benefits of the critical habitat designation regardless of whether the costs are coextensive with listing, where such estimates are available. This information on the baseline will allow a fuller appreciation of the economic impacts associated with critical habitat designation. When completed, we will announce the availability of the revised draft economic analysis with a notice in the **Federal Register**, and we will open a public comment period on the draft economic analysis and re-open the comment period on the proposed rule at that time.

We will utilize the final economic analysis, and take into consideration all comments and information regarding economic or other impacts submitted during the public comment period and the public hearing, if requested, to make final critical habitat designations. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as part of

critical habitat; however, we cannot exclude areas from critical habitat when such exclusion will result in the extinction of the species.

Public Comments Solicited

It is our intent that any final action resulting from this proposal be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry or any other interested party concerning this proposed rule.

We invite comments from the public that provide information on whether lands within proposed critical habitat are currently being managed to address conservation needs of these listed plants. As stated earlier in this proposed rule, if we receive information that any of the areas proposed as critical habitat are adequately managed, we may delete such areas from the final rule, because they would not meet the definition in section 3(5)(A)(i) of the Act. In determining adequacy of management, we must find that the management effort is sufficiently certain to be implemented and effective so as to contribute to the elimination or adequate reduction of relevant threats to the species.

We are soliciting comment in this proposed rule on whether current land management plans or practices applied within areas proposed as critical habitat adequately address the threats to these listed species.

We are aware that the State of Hawaii and some private landowners are considering the development and implementation of land management plans or agreements that may promote the conservation and recovery of endangered and threatened plant species on the island of Oahu. We are soliciting comments in this proposed rule on whether current land management plans or practices applied within the areas proposed as critical habitat provide for the conservation of the species by adequately addressing the threats. We are also soliciting comments on whether future development and approval of conservation measures (e.g., HCPs, Conservation Agreements, Safe Harbor Agreements) should be excluded from critical habitat and if so, by what mechanism.

In addition, we are seeking comments on the following:

- (1) The reasons why critical habitat for any of these species is prudent or not prudent as provided by section 4 of the Act and 50 CFR 424.12(a)(1);
- (2) The reasons why any particular area should or should not be designated as critical habitat for any of these

species, as critical habitat is defined by section 3 of the Act (16 U.S.C. 1532 (5));

(3) Specific information on the amount and distribution of habitat for the 99 species, and what habitat is essential to the conservation of the species and why;

(4) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any economic or other impacts resulting from the proposed designations of critical habitat, including any impacts on small entities, energy development, low income households, and local governments;

(6) Economic and other potential values associated with designating critical habitat for the above plant species such as those derived from non-consumptive uses (e.g., hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values," and reductions in administrative costs);

(7) The methodology we might use, under section 4(b)(2) of the Act, in determining if the benefits of excluding an area from critical habitat outweigh the benefits of specifying the area as critical habitat; and

(8) The effects of critical habitat designation on military lands, and how it would affect military activities, particularly military lands at Makua Military Reservation, Schofield Barracks East Range, Schofield Barracks Military Reservation, Kawaihoa Training Area, Kahuku Training Area, Dillingham Military Reservation, Naval Magazine Pearl Harbor Lualualei Branch and Naval Computer Telecommunication Area Master Station Pacific Transmitting Facility at Lualualei, Hawaii Army National Guard lands at Diamond Head; whether there will be a significant impact on military readiness or national security if we designate critical habitat on these facilities; and whether these facilities should be excluded from the designation under section 4(b)(2) of the Act.

If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

(1) You may submit written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., P.O. Box 50088, Honolulu, HI 96850-0001.

(2) You may send comments by electronic mail (e-mail) to: oahucrithabplants@r1.fws.gov. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any

form of encryption. Please also include "Attn: RIN 1018-A124" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Honolulu Fish and Wildlife Office at telephone number 808/541-3441.

(3) You may hand-deliver comments to our Honolulu Fish and Wildlife Office at the address under (1) above.

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for inspection, by appointment, during normal business hours at the address under (1) above. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

The comment period closes on July 29, 2002. We are seeking comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposed rule.

Public Hearing

The Act provides for a public hearing on this proposal, if requested. Requests for public hearings must be made within 45 days of the date of publication of this proposal in the **Federal Register**.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. For additional information on public hearings see the **ADDRESSES** section.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will seek the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of such a review is to ensure listing and critical habitat decisions are based on scientifically sound data, assumptions, and analyses. We will send copies of this proposed rule to these peer reviewers immediately following publication in the **Federal Register**. We will invite the peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed designations of critical habitat.

We will consider all comments and data received during the 60-day comment period on this proposed rule during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

Clarity of the Rule

Executive Order 12866 requires each agency to write regulations and notices that are easy to understand. We invite your comments on how to make this proposed rule easier to understand including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the document? (5) What else could we do to make the proposed rule easier to understand?

Send a copy of any comments that concern how we could make this notice easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240.

Taxonomic Changes

At the time we listed *Hibiscus brackenridgei*, *Phyllostegia parviflora*, and *Mariscus pennatifolius*, we followed the taxonomic treatments in Wagner *et al.* (1990), the widely used and accepted *Manual of the Flowering Plants of Hawaii*. Subsequent to the final listings for these three species, we became aware of new taxonomic treatments for these species (See Discussion of Plant Taxa). Due to the

court-ordered deadlines, we are required to publish this proposal to designate critical habitat on Oahu before we can prepare and publish a notice of taxonomic changes for these three species. We propose to publish a taxonomic change notice for these three species after we have published the final critical habitat designations on Oahu.

Required Determinations

Regulatory Planning and Review

In accordance with Executive Order 12866, this document is a significant rule and was reviewed by the Office of Management and Budget (OMB) in accordance with the four criteria discussed below. We are preparing an economic analysis of this proposed action, which will be available for public comment, to determine the economic consequences of designating the specific areas identified as critical habitat. The availability of the draft economic analysis will be announced in the **Federal Register** so that it is available for public review and comments.

(a) While we will prepare an economic analysis to assist us in considering whether areas should be excluded pursuant to section 4 of the Act, we do not believe this rule will have an annual economic effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State or local governments or communities. Therefore, at this time, we do not believe a cost benefit and economic analysis pursuant to Executive Order 12866 is required. We will revisit this if the economic analysis indicates greater impacts than currently anticipated.

The dates for which the 99 plant species were listed as threatened or endangered can be found in Table 3(b). Consequently, and as needed, we conduct formal and informal section 7 consultations with other Federal agencies to ensure that their actions will not jeopardize the continued existence of these species. Under the Act, critical habitat may not be adversely modified by a Federal agency action. Critical habitat does not impose any restrictions on non-Federal persons unless they are conducting activities funded or otherwise sponsored, authorized, or permitted by a Federal agency (see Table 5).

TABLE 5.—IMPACTS OF CRITICAL HABITAT DESIGNATION FOR 99 PLANTS FROM OAHU

Categories of activities	Activities potentially affected by species listing only	Additional activities potentially affected by critical habitat designation ¹
Federal Activities Potentially Affected ² .	Activities conducted by the Federal Government (e.g., Army Corps of Engineers, Department of Transportation, Department of Defense, Department of Agriculture, Environmental Protection Agency, Federal Emergency Management Agency, Federal Aviation Administration, Federal Communications Commission, Department of the Interior) or that require a Federal action (permit, authorization, or funding) and may remove or destroy habitat for these plants by mechanical, chemical, or other means (e.g., overgrazing, clearing, cutting native live trees and shrubs, water diversion, impoundment, groundwater pumping, road building, mining, herbicide application, recreational use, etc.) or appreciably decrease habitat value or quality through indirect effects (e.g. edge effects, invasion of exotic plants or animals, fragmentation of habitat).	These same activities carried out by Federal agencies in designated areas where section 7 consultations would not have occurred but for the critical habitat designation.
Private or other non-Federal Activities Potentially Affected ³ .	Activities that require a Federal action (permit, authorization, or funding) and may remove or destroy habitat for these plants by mechanical, chemical, or other means (e.g., overgrazing, clearing, cutting native live trees and shrubs, water diversion, impoundment, groundwater pumping, road building, mining, herbicide application, recreational use, etc.) or appreciably decrease habitat value or quality through indirect effects (e.g., edge effects, invasion of exotic plants or animals, fragmentation of habitat).	These same activities carried out in designated areas where section 7 consultations would not have occurred but for the critical habitat designation.

¹ This column represents activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.

² Activities initiated by a Federal agency.

³ Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

Section 7 of the Act requires Federal agencies to ensure that they do not jeopardize the continued existence of these species. Based on our experience with these species and their needs, we conclude that most Federal or federally-authorized actions that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as “jeopardy” under the Act in areas occupied by the species because consultation would already be required due to the presence of the listed species, and the duty to avoid adverse modification of critical habitat would not trigger additional regulatory impacts beyond the duty to avoid jeopardizing the species. Accordingly, we do not expect the designation of currently occupied areas as critical habitat to have any additional incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding.

The designation of areas as critical habitat where section 7 consultations would not have occurred but for the critical habitat designation (that is, in areas currently unoccupied by the listed species), may have impacts that are not attributable to the species listing on what actions may or may not be conducted by Federal agencies or non-Federal persons who receive Federal authorization or funding. We will evaluate any impact through our economic analysis (under section 4 of the Act; see Economic Analysis section of this rule). Non-Federal persons who

do not have a Federal nexus with their actions are not restricted by the designation of critical habitat.

(b) We do not expect this rule to create inconsistencies with other agencies’ actions. As discussed above, Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the 99 plant species since their listing between 1991 and 1996. For the reasons discussed above, the prohibition against adverse modification of critical habitat would be expected to impose few, if any, additional restrictions to those that currently exist in the proposed critical habitat on currently occupied lands. However, we will evaluate any impact of designating areas where section 7 consultations would not have occurred but for the critical habitat designation through our economic analysis. Because of the potential for impacts on other Federal agency activities, we will continue to review this proposed action for any inconsistencies with other Federal agency actions.

(c) We do not expect this proposed rule, if made final, to significantly affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of a listed species, and, as discussed above, we do not anticipate that the adverse modification prohibition, resulting from critical habitat designation will have any incremental effects in areas of occupied habitat on any Federal entitlement,

grant, or loan program. We will evaluate any impact of designating areas where section 7 consultation would not have occurred but for the critical habitat designation through our economic analysis.

(d) OMB has determined that this rule may raise novel legal or policy issues and, as a result, this rule has undergone OMB review.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act (RFA) to require Federal agencies to provide a statement of the factual basis for certifying that the rule will not have a significant economic effect on a substantial number of small entities. SBREFA also amended the RFA to require a certification statement. In today’s rule, we are certifying that the rule will not have a significant effect on

a substantial number of small entities. However, should our economic analysis provide a contrary indication, we will revisit this determination at that time. The following discussion explains our rationale.

According to the Small Business Administration, small entities include small organizations, such as independent non-profit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses. Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 99 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine if potential economic impacts to these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule as well as the types of project modifications that may result. In general, the term significant economic impact is meant to apply to a typical small business firm's business operations.

To determine if the rule would affect a substantial number of small entities, we consider the number of small entities affected within particular types of economic activities (e.g., housing development, grazing, oil and gas production, timber harvesting, etc.). We apply the "substantial number" test individually to each industry to determine if certification is appropriate. In some circumstances, especially with proposed critical habitat designations of very limited extent, we may aggregate across all industries and consider whether the total number of small entities affected is substantial. In estimating the numbers of small entities potentially affected, we also consider whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation.

Designation of critical habitat only affects activities conducted, funded, or permitted by Federal agencies; non-Federal activities are not affected by the designation. In areas where the species is present, Federal agencies are already required to consult with us under section 7 of the Act on activities that they fund, permit, or implement that

may affect *Abutilon sandwicense*, *Adenophorus periens*, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Centaurium sebaeoides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce deppeana*, *Chamaesyce herbstii*, *Chamaesyce kuwaleana*, *Chamaesyce rockii*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea acuminata*, *Cyanea crispa*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea grimesiana* ssp. *obatae*, *Cyanea humboltiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea pinnatifida*, *Cyanea st.-johnii*, *Cyanea superba*, *Cyanea truncata*, *Cyperus trachysanthos*, *Cyrtandra dentata*, *Cyrtandra polyantha*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Diellia erecta*, *Diellia falcata*, *Diellia unisora*, *Diplazium molokaiense*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Eugenia koolauensis*, *Euphorbia haeleeleana*, *Flueggea neowawraea*, *Gardenia mannii*, *Gouania meyenii*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arborescens*, *Hesperomannia arbuscula*, *Hibiscus brackenridgei*, *Isodendron laurifolium*, *Isodendron longifolium*, *Isodendron pyriformis*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia monostachya*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Marsilea villosa*, *Melicope pallida*, *Melicope saint-johnii*, *Myrsine juddii*, *Neraudia angulata*, *Nototrichium humile*, *Pelea lydgatei*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Phyllostegia mollis*, *Phyllostegia parviflora*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Sanicula mariversa*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea kealiae*, *Schiedea nuttallii*, *Sesbania tomentosa*, *Silene lanceolata*, *Silene perlmannii*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne kanehoana*, *Tetramolopium filiforme*, *Tetramolopium lepidotum* ssp. *lepidotum*, *Tetraplasandra gymnocarpa*, *Trematalobelia singularis*, *Urera kaalae*, *Vigna o-wahuensis*, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis*. If these critical habitat designations are finalized, Federal agencies must also consult with us if their activities may affect designated critical habitat. However, in areas where the species is present, we do not believe

this will result in any additional regulatory burden on Federal agencies or their applicants because consultation would already be required due to the presence of the listed species, and the duty to avoid adverse modification of critical habitat would not trigger additional regulatory impacts beyond the duty to avoid jeopardizing the species.

Even if the duty to avoid adverse modification does not trigger additional regulatory impacts in areas where the species is present, designation of critical habitat could result in an additional economic burden on small entities due to the requirement to reinitiate consultation for ongoing Federal activities. However, since these 99 plant species were listed (between 1991 and 1996), there have been two formal consultations, and we have conducted 23 informal consultations, in addition to consultations on Federal grants to State wildlife programs, which would not affect small entities. Two formal consultations were conducted on behalf of the Army, for review of the "Biological Assessment for Programmatic Section 7 Consultation on Routine Military Training at Makua Military Reservation, and Makua Endangered Species Mitigation Plan". Thirty-nine of the 99 species, *Alectryon macrococcus*, *Abutilon sandwicense*, *Alsinidendron obovatum*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce herbstii*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea longiflora*, *Cyanea superba*, *Cyrtandra dentata*, *Delissea subcordata*, *Diellia falcata*, *Dubautia herbstobatae*, *Euphorbia haeleeleana*, *Flueggea neowawraea*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arbuscula*, *Hibiscus brackenridgei*, *Lepidium arbuscula*, *Lipochaeta tenuifolia*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Neraudia angulata*, *Nototrichium humile*, *Peucedanum sandwicense*, *Phyllostegia kaalaensis*, *Plantago princeps*, *Sanicula mariversa*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea nuttallii*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Tetramolopium filiforme*, and *Viola chamissoniana* ssp. *chamissoniana*, were reported from the action area.

One informal consultation was conducted on behalf of the Army for a flood control study, who requested information on the candidate, proposed, or listed threatened or endangered species within the vicinity of the project area. One of the 99 species, *Cyanea superba* was reported historically from the project area. One informal

consultation was conducted on behalf of U.S. Air Force for the Kaena Point Tracking Station site, who requested a list of the endangered, threatened, and proposed species that occur on or in the vicinity of the site. Two of the 99 species, *Chamaesyce celastroides* var. *kaenana* and *Nototrichium humile* were reported from the vicinity of the site. One informal consultation was conducted on behalf of the Navy in regard to Lualualei Naval Magazine, who requested comments on the July 11, 1995 "Work Plan for the Implementation of Priority Conservation Measures to Protect Rare and Endangered Biological Resources at Naval Magazine Lualualei, Headquarters, Oahu, Hawaii". Six of the 99 species, *Abutilon sandwicense*, *Flueggea neowawraea*, *Hedyotis parvula*, *Lipochaeta lobata* var. *leptophylla*, *Neraudia angulata* var. *dentata*, and *Viola chamissoniana* ssp. *chamissoniana* were reported from the project area. Two informal consultations were conducted on behalf of the Army, who requested comments on the November 1995 Preliminary Draft Endangered Species Management Plan (ESMP) for the Oahu Training Areas (OTA) and review of revisions to the plan. Fifty-eight of the 99 species, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Bonamia menziesii*, *Cenchrus agrimonoides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce herbstii*, *Chamaesyce rockii*, *Ctenitis squamigera*, *Cyanea acuminata*, *Cyanea crispa*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea grimesiana* ssp. *obatae*, *Cyanea humboltiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea superba*, *Cyrtandra dentata*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Diellia falcata*, *Dubautia herbstobatae*, *Eugenia koolauensis*, *Euphorbia haelealeana*, *Flueggea neowawraea*, *Gardenia mannii*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arborescens*, *Hesperomannia arbuscula*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Neraudia angulata*, *Nototrichium humile*, *Pelea lydgatei*, *Phlegmariurus nutans*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Phyllostegia mollis*, *Plantago princeps*, *Pteris lidgatei*, *Sanicula mariversa*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea kealiae*, *Schiedea nuttallii*, *Silene lanceolata*, *Tetramolopium filiforme*, *Tetraplasandra gymnocarpa*, *Urera*

kaalae, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis*, were reported from the project area. Two informal consultations were conducted on behalf of the FAA, for the effects of relocation and demolition of the FAA's Diamond Head facility. One of the 99 species, *Schiedea adamantis* was reported from the project area. Two informal consultations were conducted on behalf of the Department of Transportation, who requested a list of the proposed and listed threatened and endangered species in the vicinity of the proposed corridor for the North-South Road Project and our concurrence with the project. Two of the 99 species, *Centaurium sebaeoides* and *Marsillea villosa* were reported from the project area. One informal consultation was conducted on behalf of the U.S. Coast Guard, for the effects of lowering of antenna spans at the Haiku Valley Omega Station. Two of the 99 species, *Tetraplasandra gymnocarpa* and *Trematalobelia singularis* were reported from the project area. One informal consultations was conducted on behalf of the Navy, for the effect of cattle removal on endangered plant species. Five of the 99 species, *Abutilon sandwicense*, *Bonamia menziesii*, *Flueggea neowawraea*, *Lobelia niihauensis*, and *Neraudia angulata* were reported from the vicinity of the project area. One informal consultations was conducted on behalf of the Department of Land and Natural Resources Division of State Parks, for review of the Ka Iwi shoreline project categorical exclusion document. Two of the 99 species, *Cyperus trachysanthos* and *Marsillea villosa* was reported from the project area. Two informal consultations were conducted on behalf of the Army, for review of effects of prescribed burns at Schofield Barracks West Range. Three of the 99 species, *Delissea subcordata*, *Isodendron longifolium*, and *Neraudia angulata* var. *angulata* were reported from the vicinity of the project area. One informal consultation was conducted on behalf of the Army, who requested we review the effects of insecticidal treatment on one of the 99 species, *Flueggea neowawraea*. Two informal consultation were conducted on behalf of the Hawaii Army National Guard, who requested we review the effects of training activities and road improvements on listed threatened and endangered species. Two of the 99 species, *Schiedea adamantis* and *Cyperus trachysanthos* were reported from the project area. One informal consultation was conducted on behalf of the Army, who requested we review

their "Makua Propagation and Outplanting Plans for Endangered Plants". Four of the 99 species, *Cyanea superba*, *Alsinidendron obovatum*, *Cenchrus agrimonoides*, and *Delissea subcordata* were addressed in the plan. Two informal consultations were conducted on behalf of the U.S. Department of Agriculture Animal and Plant Health Inspection Service, who requested we review their determination that establishing and monitoring transects to determine feral pig activity is categorically excluded under National Environmental Policy Act, and that radio tagging and releasing feral pigs for research in Kuaokala game management area is also categorically excluded under NEPA. Forty-eight of the 99 species, *Abutilon sandwicense*, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Bonamia menziesii*, *Cenchrus agrimonoides*, *Chamaesyce herbstii*, *Chamaesyce kuwaleana*, *Chamaesyce rockii*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea acuminata*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea st.-johnii*, *Cyanea superba*, *Cyrtandra dentata*, *Cyrtandra subumbellata*, *Delissea subcordata*, *Diellia falcata*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Flueggea neowawraea*, *Gardenia mannii*, *Gouania meyenii*, *Gouania vitifolia*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arbuscula*, *Hesperomannia arborescens*, *Isodendron laurifolium*, *Isodendron longifolium*, *Lepidium arbuscula*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia niihauensis*, *Myrsine juddii*, *Neraudia angulata*, *Nototrichium humile*, *Phlegmariurus nutans*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Pteris lydgatei*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea nuttallii*, *Tetraplasandra gymnocarpa*, and *Viola oahuensis* were reported from the project area. One informal consultation was conducted on behalf of the Army, who requested we review the effects of fencing in the upper reaches of Opauala drainage in Kawailoa Training Area on listed endangered or threatened species. Four of the 99 species, *Cyrtandra viridiflora*, *Chamaesyce rockii*, *Myrsine juddii*, and *Viola oahuensis*, were reported from the project area. One informal consultation was conducted on behalf of the Army, who requested we review and comment on the "redraft Biological Assessment for routine military training at Makua Military Reservation, Oahu, Hawaii". Thirty-five of the 99 species, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Bonamia menziesii*, *Cenchrus*

agrimonioides, *Chamaesyce herbstii*, *Ctenitis squamigera*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea longiflora*, *Cyanea superba*, *Cyrtandra dentata*, *Delissea subcordata*, *Diellia falcata*, *Dubautia herbstobatae*, *Euphorbia haeleeleana*, *Flueggea neowawraea*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arbuscula*, *Lepidium arbuscula*, *Lipochaeta tenuifolia*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Neraudia angulata*, *Nototrichium humile*, *Peucedanum sandwicense*, *Phyllostegia kaalaensis*, *Plantago princeps*, *Sanicula mariversa*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea nuttallii*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Tetramolopium filiforme*, and *Viola chamissoniana* ssp. *chamissoniana*, were reported from the project area. One informal consultation was conducted on behalf of the Service, for review of the effects of fencing of the south Ekahanui Gulch on listed endangered or threatened species. Nine of the 99 species, *Alectryon macrococcus*, *Chamaesyce herbstii*, *Diellia falcata*, *Diellia unisora*, *Melicope saint-johnii*, *Phyllostegia kaalaensis*, *Plantago princeps*, *Schiedea kaalae*, and *Urera kaalae* were reported from the project area. One informal consultation was conducted on behalf of the Army as a reminder of the contingency placed upon the Army in the "Biological Opinion for routine military training at Makua Military Reservation, Oahu, Hawaii" that the Army would start to implement priority stabilization measures for listed endangered and threatened species within one year of the opinion. One informal consultation was conducted on behalf of the Army, who requested we review the "Draft Integrated Natural Resources Management Plan for 2002–2006 at Oahu Army Installations, Hawaii". Fifty-four of the 99 species, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce rockii*, *Ctenitis squamigera*, *Cyanea acuminata*, *Cyanea crispa*, *Cyanea humboltiana*, *Cyanea koolauensis*, *Cyanea superba*, *Cyanea st.-johnii*, *Cyrtandra dentata*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Diellia falcata*, *Dubautia herbstobatae*, *Eugenia koolauensis*, *Euphorbia haeleeleana*, *Flueggea neowawraea*, *Gardenia mannii*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arborescens*, *Hibiscus brackenridgei*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia*

niihauensis, *Neraudia angulata*, *Nototrichium humile*, *Pelea lydgatei*, *Phlegmariurus nutans*, *Phyllostegia hirsuta*, *Phyllostegia mollis*, *Phyllostegia parvilifera*, *Plantago princeps*, *Pteris lidgatei*, *Sanicula mariversa*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea kealiae*, *Schiedea nuttallii*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Tetramolopium filiforme*, *Tetraplasandra gymnocarpa*, *Urera kaalae*, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis*, were reported from the project area. One informal consultation was conducted on behalf of the Navy, who requested we review and comment on their "Naval Computer and Telecommunications Area Master Station Pacific Integrated Natural Resources Management Plan". One of the 99 species, *Marsillea villosa* was reported from the project area. One informal consultation was conducted on behalf of the U.S. Department of Energy, for review of the effects of a proposed telecommunications radio shack at Mauna Kapu on listed endangered and threatened species. One of the 99 species, *Tetramolopium lepidotum* ssp. *lepidotum* was reported from the project area.

None of these consultations affected or concerned small entities. In 22 of the 23 informal consultations, we concurred with each agency's determination that the project, as proposed, was not likely to adversely affect listed species. For both formal consultations, we concurred that routine military training at Makua Military Reservation, which included an in depth list of conservation measures the Army would carry out in the action area, was not likely to jeopardize listed species. None of these consultations affected or concerned small entities, and only the routine military training exercises conducted on Army training installations are ongoing. As a result, the requirement to reinstate consultation for ongoing projects will not affect a substantial number of small entities on Oahu.

In areas where the species is clearly not present, designation of critical habitat could trigger additional review of Federal activities under section 7 of the Act, that would otherwise not be required. We are aware of relatively few private activities in the proposed critical habitat areas for these 99 plants that have Federal involvement, and thus, would require consultation or reinstitution of already completed consultations for on-going projects. As mentioned above, we have conducted 23 informal consultations and two formal consultations under section 7 involving many of the species none of which involved small entities. We

cannot, at this time, easily identify future consultations that may be due to the listing of the species or the increment of additional consultations that may be required by this critical habitat designation. Therefore, for the purposes of this review and certification under the RFA, we are assuming that any future consultations in the area proposed as critical habitat will be due to the critical habitat designations.

On Oahu, approximately, 6 percent of the designations are on Federal lands, 35 percent are on State or County lands, and 59 percent are on private lands. Nearly all of the land within the critical habitat units is unsuitable for development, many land uses, and activities. This is due to their remote locations, lack of access, and rugged terrain. The majority of this land (90 percent) is within the State Conservation District where State land-use controls severely limit development and most activities. Approximately 10 percent of this land is within the State Agricultural District, and less than 1 percent is within the State Urban District. On non-Federal lands, activities that lack Federal involvement would not be affected by the critical habitat designations. However, activities of an economic nature that are likely to occur on non-Federal lands in the area encompassed by these proposed designations consist of improvements in State parks and communications and tracking facilities; ranching; road improvements; recreational use such as hiking, camping, picnicking, game hunting, fishing; botanical gardens; and, crop farming. On lands that are in agricultural production, the types of activities that might trigger a consultation include irrigation ditch system projects that may require section 404 authorizations from the Corps, and watershed management and restoration projects sponsored by Natural Resources Conservation Service. However, the Natural Resources Conservation Service restoration projects typically are voluntary, and the irrigation ditch system projects within lands that are in agricultural production are uncommon, and would likely affect only a small percentage of the small entities within these proposed critical habitat designations.

Lands that are within the State Urban District are located within undeveloped coastal areas and areas adjacent to Forest Reserves (State Conservation District). The types of activities that might trigger a consultation include shoreline restoration or modification projects that may require section 404 authorizations from the Corps or FEMA, housing or resort development that may

require permits from the Department of Housing and Urban Development, and activities funded or authorized by the EPA. However, we are not aware of a significant number of future activities that would require Federal permitting or authorization in these coastal areas. Therefore, we conclude that the proposed rule would not affect a substantial number of small entities.

We are not aware of any commercial activities on the Federal lands included in these proposed critical habitat designations.

In general, two different mechanisms in section 7 consultations could lead to additional regulatory requirements. First, if we conclude, in a biological opinion, that a proposed action is likely to jeopardize the continued existence of a species or adversely modify its critical habitat, we can offer "reasonable and prudent alternatives." Reasonable and prudent alternatives are alternative actions that can be implemented in a manner consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that would avoid jeopardizing the continued existence of listed species or resulting in adverse modification of critical habitat. A Federal agency and an applicant may elect to implement a reasonable and prudent alternative associated with a biological opinion that has found jeopardy or adverse modification of critical habitat. An agency or applicant could alternatively choose to seek an exemption from the requirements of the Act or proceed without implementing the reasonable and prudent alternative. However, unless an exemption were obtained, the Federal agency or applicant would be at risk of violating section 7(a)(2) of the Act if it chose to proceed without implementing the reasonable and prudent alternatives. Secondly, if we find that a proposed action is not likely to jeopardize the continued existence of a listed animal species, we may identify reasonable and prudent measures designed to minimize the amount or extent of take and require the Federal agency or applicant to implement such measures through non-discretionary terms and conditions. However, the Act does not prohibit the take of listed plant species or require terms and conditions to minimize adverse effect to critical habitat. We may also identify discretionary conservation recommendations designed to minimize or avoid the adverse effects of a proposed action on listed species or critical habitat, help implement recovery plans, or to develop information that could contribute to the recovery of the species.

Based on our experience with section 7 consultations for all listed species, virtually all projects—including those that, in their initial proposed form, would result in jeopardy or adverse modification determinations in section 7 consultations—can be implemented successfully with, at most, the adoption of reasonable and prudent alternatives. These measures must be economically feasible and within the scope of authority of the Federal agency involved in the consultation. As we have a limited consultation history for these 99 species from Oahu, we can only describe the general kinds of actions that may be identified in future reasonable and prudent alternatives. These are based on our understanding of the needs of these species and the threats they face, especially as described in the final listing rules and in this proposed critical habitat designation, as well as our experience with similar listed plants in Hawaii. In addition, all of these species are protected under the State of Hawaii's Endangered Species Act (Hawaii Revised Statutes, Chap. 195D–4). Therefore, we have also considered the kinds of actions required under the State licensing process for these species. The kinds of actions that may be included in future reasonable and prudent alternatives include conservation set-asides, management of competing non-native species, restoration of degraded habitat, propagation, outplanting and augmentation of existing populations, construction of protective fencing, and periodic monitoring.

As required under section 4(b)(2) of the Act, we will conduct an analysis of the potential economic impacts of this proposed critical habitat designation, and will make that analysis available for public review and comment before finalizing these designations. However, court deadlines require us to publish this proposed rule before the economic analysis can be completed.

In summary, we have considered whether this proposed rule would result in a significant economic effect on a substantial number of small entities. It would not affect a substantial number of small entities. Approximately 35 percent of the lands proposed as critical habitat are on State of Hawaii lands. The State of Hawaii is not a small entity. Approximately 59 percent of the lands proposed as critical habitat are on private lands. Many of these parcels are located in areas where likely future land uses are not expected to result in Federal involvement or section 7 consultations. As discussed earlier, most of the private and State parcels within the proposed designation are

currently being used for recreational and agricultural purposes and, therefore, are not likely to require any Federal authorization. In the remaining areas, Federal involvement—and thus section 7 consultations, the only trigger for economic impact under this rule—would be limited to a subset of the area proposed. The most likely future section 7 consultations resulting from this rule would be for informal consultations on federally funded land and water conservation projects, species-specific surveys and research projects, and watershed management and restoration projects sponsored by Natural Resources Conservation Service. These consultations would likely occur on only a subset of the total number of parcels and therefore not likely to affect a substantial number of small entities. This rule would result in project modifications only when proposed Federal activities would destroy or adversely modify critical habitat. While this may occur, it is not expected frequently enough to affect a substantial number of small entities. Even when it does occur, we do not expect it to result in a significant economic impact, as the measures included in reasonable and prudent alternatives must be economically feasible and consistent with the proposed action. Therefore, we are certifying that the proposed designation of critical habitat for the following species: *Abutilon sandwicense*, *Adenophorus periens*, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Bonamia menziesii*, *Cenchrus agrimonoides*, *Centaurium sebaeoides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce deppeana*, *Chamaesyce herbstii*, *Chamaesyce kuwaleana*, *Chamaesyce rockii*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea acuminata*, *Cyanea crispa*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea grimesiana* ssp. *obatae*, *Cyanea humboldtiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea pinnatifida*, *Cyanea st.-johnii*, *Cyanea superba*, *Cyanea truncata*, *Cyperus trachysanthos*, *Cyrtandra dentata*, *Cyrtandra polyantha*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Diellia erecta*, *Diellia falcata*, *Diellia unisora*, *Diplazium molokaiense*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Eugenia koolauensis*, *Euphorbia haeleeleana*, *Flueggea neowawraea*, *Gardenia mannii*, *Gouania meyenii*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arborescens*, *Hesperomannia arbuscula*, *Hibiscus*

brackenridgei, *Isodendron laurifolium*, *Isodendron longifolium*, *Isodendron pyrifolium*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia monostachya*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Marsilea villosa*, *Melicope pallida*, *Melicope saint-johnii*, *Myrsine juddii*, *Neraudia angulata*, *Nototrichium humile*, *Pelea lydgatei*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Phyllostegia mollis*, *Phyllostegia parviflora*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Sanicula mariversa*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea kealiae*, *Schiedea nuttallii*, *Sesbania tomentosa*, *Silene lanceolata*, *Silene perlmannii*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne kanehoana*, *Tetramolopium filiforme*, *Tetramolopium lepidotum* ssp. *lepidotum*, *Tetraplasandra gymnocarpa*, *Trematalobelia singularis*, *Urera kaalae*, *Vigna o-wahuensis*, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis* will not have a significant economic impact on a substantial number of small entities, and an initial regulatory flexibility analysis is not required. However, should the revised economic analysis of this rule indicate otherwise, we will revisit this determination.

Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Although this rule is a significant regulatory action under Executive Order 12866, it is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. et seq.):

(a) We believe this rule, as proposed, will not “significantly or uniquely” affect small governments. A Small Government Agency Plan is not required. Small governments will not be affected unless they propose an action requiring Federal funds, permits or other authorizations. Any such activities will require that the Federal agency

ensure that the action will not adversely modify or destroy designated critical habitat. However, as discussed above, these actions are currently subject to equivalent restrictions through the listing protections of the species, and no further restrictions are anticipated to result from critical habitat designation of occupied areas. In our economic analysis, we will evaluate any impact of designating areas where section 7 consultations would not have occurred but for the critical habitat designation.

(b) This rule, as proposed, will not produce a Federal mandate on State or local governments or the private sector of \$100 million or greater in any year, that is, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

Takings

In accordance with Executive Order 12630 (“Government Actions and Interference with Constitutionally Protected Private Property Rights”), we have analyzed the potential takings implications of designating critical habitat for the 99 species from Oahu in a preliminary takings implication assessment. The takings implications assessment concludes that this proposed rule does not pose significant takings implications. Once the economic analysis is completed for this proposed rule, we will review and revise this preliminary assessment as warranted.

Federalism

In accordance with Executive Order 13132, the proposed rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of Interior policy, we requested information from appropriate State agencies in Hawaii. The designation of critical habitat in areas currently occupied by one or more of the 99 plant species imposes no additional restrictions to those currently in place, and, therefore, has little incremental impact on State and local governments and their activities. The designation of critical habitat in unoccupied areas may require section 7 consultation on non Federal lands (where a Federal nexus occurs) that might otherwise not have occurred. However, there will be little additional impact on State and local governments and their activities because 17 of the 25 proposed critical habitat areas are occupied by at least one species. The designations may have some benefit to these governments in that the areas essential to the conservation of these species are more clearly defined, and

the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long range planning, rather than waiting for case-by-case section 7 consultation to occur.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Order. We are proposing to designate critical habitat in accordance with the provisions of the Endangered Species Act. The rule uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the 99 plant species.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act. This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have determined we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. We published a notice outlining our reason for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This proposed determination does not constitute a major Federal action significantly affecting the quality of the human environment.

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951) Executive Order 13175 and 512 DM 2, we readily acknowledge our responsibility to

communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of these 99 plant species. Therefore, designation of critical habitat for these 99 species has not been proposed on Tribal lands.

References Cited

A complete list of all references cited in this proposed rule is available upon request from the Pacific Islands Office (see **ADDRESSES** section).

Author(s)

The primary authors of this notice are Michelle Stephens and Christa Russell (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.12(h) revise the entries for *Abutilon sandwicense*, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Bonamia menziesii*, *Cenchrus agrimonoides*, *Centaurium sebaeoides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce deppeana*, *Chamaesyce herbstii*, *Chamaesyce kuwaleana*, *Chamaesyce rockii*, *Colubrina oppositifolia*, *Cyanea acuminata*, *Cyanea (-Rollandia) crispa*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea grimesiana* ssp. *obatae*, *Cyanea humboldtiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea pinnatifida*, *Cyanea st.-johnii*, *Cyanea superba*, *Cyanea truncata*, *Cyperus trachysanthos*, *Cyrtandra dentata*, *Cyrtandra polyantha*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Eugenia koolauensis*, *Euphorbia haeleleana*, *Flueggea neowawraea*, *Gardenia mannii*, *Gouania meyenii*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arborescens*, *Hesperomannia arbuscula*, *Hibiscus brackenridgei*, *Isodendron laurifolium*, *Isodendron longifolium*, *Isodendron pyrifolium*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*,

Lobelia gaudichaudii ssp. *koolauensis*, *Lobelia monostachya*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Melicope lydgatei*, *Melicope pallida*, *Melicope saint-johnii*, *Myrsine juddii*, *Neraudia angulata*, *Nototrichium humile*, *Peucedanum sandwicense*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Phyllostegia mollis*, *Phyllostegia parviflora*, *Plantago princeps*, *Platanthera holochila*, *Sanicula mariversa*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea kealiae*, *Schiedea nuttallii*, *Sesbania tomentosa*, *Silene lanceolata*, *Silene perlmannii*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne kanehoana*, *Tetramolopium filiforme*, *Tetramolopium lepidotum* ssp. *lepidotum*, *Tetraplasandra gymnocarpa*, *Trematalobelia singularis*, *Urera kaalae*, *Vigna o-wahuensis*, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis* under “FLOWERING PLANTS” and *Adenophorus periens*, *Ctenitis squamigera*, *Diellia erecta*, *Diellia falcata*, *Diellia unisora*, *Diplazium molokaiense*, *Lycopodium (-Phlegmariurus) nutans*, *Marsilea villosa*, and *Pteris lidgatei*, under “FERNS AND ALLIES” to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*	*		*
<i>Abutilon sandwicense.</i>	No common name ..	U.S.A. (HI)	Malvaceae	E	448	17.96(a)	NA
*	*	*	*	*	*		*
<i>Alectryon macrococcus.</i>	Mahoe	U.S.A. (HI)	Sapindaceae	E	467	17.96(a)	NA
*	*	*	*	*	*		*
<i>Alsinidendron obovatum.</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	448	17.96(a)	NA
<i>Alsinidendron trinerve.</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	448	17.96(a)	NA
*	*	*	*	*	*		*
<i>Bonamia menziesii</i> ..	No common name ..	U.S.A. (HI)	Convolvulaceae	E	559	17.96(a)	NA
*	*	*	*	*	*		*
<i>Cenchrus agrimonoides.</i>	Kamanomano	U.S.A. (HI)	Poaceae	E	592	17.96(a)	NA
*	*	*	*	*	*		*
<i>Centaurium, sebaeoides.</i>	Awiwi	U.S.A. (HI)	Gentianaceae	E	448	17.96(a)	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
<i>Chamaesyce celastroides</i> var. <i>kaenana</i> .	Akoko	U.S.A. (HI)	Euphorbiaceae	E	448	17.96(a)	NA
<i>Chamaesyce deppeana</i> .	Akoko	U.S.A. (HI)	Euphorbiaceae	E	536	17.96(a)	NA
<i>Chamaesyce herbstii</i>	Akoko	U.S.A. (HI)	Euphorbiaceae	E	591	1796(a)	NA
<i>Chamaesyce kuwaleana</i> .	Akoko	U.S.A. (HI)	Euphorbiaceae	E	448	17.96(a)	NA
<i>Chamaesyce rockii</i> ..	Akoko	U.S.A. (HI)	Euphorbiaceae	E	591	17.96(a)	NA
<i>Colubrina oppositifolia</i> .	Kauila	U.S.A. (HI)	Rhamnaceae	E	532	17.96(a)	NA
<i>Cyanea acuminata</i> ...	Haha	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Cyanea (Rollandia) crispa</i> .	Haha	U.S.A. (HI)	Campanulaceae	E	536	17.96(a)	NA
<i>Cyanea grimesiana</i> ssp. <i>grimesiana</i> .	Haha	U.S.A. (HI)	Campanulaceae	E	592	17.96(a)	NA
<i>Cyanea grimesiana</i> ssp. <i>obatae</i> .	Haha	U.S.A. (HI)	Campanulaceae	E	541	17.96(a)	NA
<i>Cyanea humboldtiana</i> .	Haha	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Cyanea koolauensis</i>	Haha	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Cyanea longiflora</i>	Haha	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Cyanea pinnatifida</i> ...	Haha	U.S.A. (HI)	Campanulaceae	E	448	17.96(a)	NA
<i>Cyanea st.-johnii</i>	Haha	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Cyanea superba</i>	Haha	U.S.A. (HI)	Campanulaceae	E	434	17.96(a)	NA
<i>Cyanea truncata</i>	Haha	U.S.A. (HI)	Campanulaceae	E	536	17.96(a)	NA
<i>Cyperus trachysanthos</i> .	Puukaa	U.S.A. (HI)	Cyperaceae	E	592	17.96(a)	NA
<i>Cyrtandra dentata</i>	Haiwale	U.S.A. (HI)	Gesneriaceae	E	591	17.96(a)	NA
<i>Cyrtandra polyantha</i>	Haiwale	U.S.A. (HI)	Gesneriaceae	E	536	17.96(a)	NA
<i>Cyrtandra subumbellata</i> .	Haiwale	U.S.A. (Hi)	Gesneriaceae	E	591	17.96(a)	NA
<i>Cyrtandra viridiflora</i>	Haiwale	U.S.A. (HI)	Gesneriaceae	E	591	17.96(a)	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
	*	*	*	*	*		*
<i>Delissea subcordata</i>	No common name ..	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
	*	*	*	*	*		*
<i>Dubautia herbstobatae</i>	Naenae	U.S.A. (HI)	Asteraceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Eragrostis fosbergii</i> ..	No common name ..	U.S.A. (HI)	Poaceae	E	591	17.96(a)	NA
	*	*	*	*	*		*
<i>Eugenia koolauensis</i>	Nioi	U.S.A. (HI)	Myrtaceae	E	536	17.96(a)	NA
	*	*	*	*	*		*
<i>Euphorbia haeleeleana</i>	Akoto	U.S.A. (HI)	Euphorbiaceae	E	592	17.96(a)	NA
	*	*	*	*	*		*
<i>Flueggea neowawraea</i>	Mehamehame	U.S.A. (HI)	Euphorbiaceae	E	559	17.96(a)	NA
	*	*	*	*	*		*
<i>Gardenia mannii</i>	Nanu	U.S.A. (HI)	Rubiaceae	E	591	17.96(a)	NA
	*	*	*	*	*		*
<i>Gouania meyenii</i>	No common name ..	U.S.A. (HI)	Rhamnaceae	E	448	17.96(a)	NA
<i>Gouania vitifolia</i>	No common name ..	U.S.A. (HI)	Rhamnaceae	E	541	17.96(a)	NA
	*	*	*	*	*		*
<i>Hedyotis coriacea</i>	Kioele	U.S.A. (HI)	Rubiaceae	E	467	17.96(a)	NA
<i>Hedyotis degeneri</i>	No common name ..	U.S.A. (HI)	Rubiaceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Hedyotis parvula</i>	No common name ..	U.S.A. (HI)	Rubiaceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Hesperomannia arborescens</i>	No common name ..	U.S.A. (HI)	Asteraceae	E	536	17.96(a)	NA
<i>Hesperomannia arbuscula</i>	No common name ..	U.S.A. (HI)	Asteraceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Hibiscus brackenridgei</i>	Mao hau hele	U.S.A. (HI)	Malvaceae	E	559	17.96(a)	NA
	*	*	*	*	*		*
<i>Isodendron laurifolium</i>	Aupaka	U.S.A. (HI)	Violaceae	E	592	17.96(a)	NA
<i>Isodendron longifolium</i>	Aupaka	U.S.A. (HI)	Violaceae	T	592	17.96(a)	NA
<i>Isodendron pyrifolium</i>	Wahine none kula ..	U.S.A. (HI)	Violaceae	E	532	17.96(a)	NA
	*	*	*	*	*		*
<i>Labordia cyrtandrae</i>	Kamakahala	U.S.A. (HI)	Longaniaceae	E	591	17.96(a)	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
	*	*	*	*	*		*
<i>Lepidium arbuscula</i>	Anaunau	U.S.A. (HI)	Brassicaceae	E	591	17.96(a)	NA
	*	*	*	*	*		*
<i>Lipochaeta lobata</i> var. <i>leptophylla</i> .	Nehe	U.S.A. (HI)	Asteraceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Lipochaeta tenuifolia</i>	Nehe	U.S.A. (HI)	Asteraceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Lobelia gaudichaudii</i> ssp. <i>koolauensis</i> .	No common name ..	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Lobelia monostachya</i>	No common name ..	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Lobelia niihauensis</i> ..	No common name ..	U.S.A. (HI)	Campanulaceae	E	448	17.96(a)	NA
<i>Lobelia oahuensis</i>	No common name ..	U.S.A. (HI)	Campanulaceae	E	536	17.96(a)	NA
	*	*	*	*	*		*
<i>Lysimachia filifolia</i>	No common name ..	U.S.A. (HI)	Primulaceae	E	530	17.96(a)	NA
	*	*	*	*	*		*
<i>Mariscus pennatifolius</i> .	No common name ..	U.S.A. (HI)	Cyperaceae	E	559	17.96(a)	NA
	*	*	*	*	*		*
<i>Melicope lydgatei</i>	Alani	U.S.A. (HI)	Rutaceae	E	536	17.96(a)	NA
	*	*	*	*	*		*
<i>Melicope pallida</i>	Alani	U.S.A. (HI)	Rutaceae	E	530	17.96(a)	NA
	*	*	*	*	*		*
<i>Melicope saint-johnii</i>	Alani	U.S.A. (HI)	Rutaceae	E	591	17.96(a)	NA
	*	*	*	*	*		*
<i>Myrsine juddii</i>	Kolea	U.S.A. (HI)	Myrsinaceae	E	591	17.96(a)	NA
	*	*	*	*	*		*
<i>Neraudia angulata</i> ...	No common name ..	U.S.A. (HI)	Urticaceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Nototrichium humile</i>	Kului	U.S.A. (HI)	Solanaceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Peucedanum sandwicense</i> .	Makou	U.S.A. (HI)	Apiaceae	T	530	17.96(a)	NA
	*	*	*	*	*		*
<i>Phyllostegia hirsuta</i>	No common name ..	U.S.A. (HI)	Lamiaceae	E	591	17.96(a)	NA
<i>Phyllostegia kaalaensis</i> .	No common name ..	U.S.A. (HI)	Lamiaceae	E	591	17.96(a)	NA
	*	*	*	*	*		*
<i>Phyllostegia mollis</i> ...	No common name ..	U.S.A. (HI)	Lamiaceae	E	448	17.96(a)	NA
<i>Phyllostegia parviflora</i> .	No common name ..	U.S.A. (HI)	Lamiaceae	E	592	17.96(a)	NA
	*	*	*	*	*		*
<i>Plantago princeps</i>	Laukahi kuahiwi	U.S.A. (HI)	Plantaginaceae	E	559	17.96(a)	NA
<i>Platanthera holochila</i>	No common name ..	U.S.A. (HI)	Orchidaceae	E	592	17.96(a)	NA
	*	*	*	*	*		*
<i>Sanicula mariversa</i> ..	No common name ..	U.S.A. (HI)	Apiaceae	E	448	17.96(a)	NA
<i>Sanicula purpurea</i> ...	No common name ..	U.S.A. (HI)	Apiaceae	E	592	17.96(a)	NA
	*	*	*	*	*		*
<i>Schiedea hookeri</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	592	17.96(a)	NA
<i>Schiedea kaalae</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	448	17.96(a)	NA
	*	*	*	*	*		*
<i>Schiedea kealiae</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	591	17.96(a)	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
<i>Schiedea nuttallii</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	592	17.96(a)	NA
<i>Sesbania tomentosa</i>	Ohai	U.S.A. (HI)	Fabaceae	E	559	17.96(a)	NA
<i>Silene lanceolata</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	480	17.96(a)	NA
<i>Silene perlmannii</i>	No common name ..	U.S.A. (HI)	Caryophyllaceae	E	448	17.96(a)	NA
<i>Solanum sandwicense</i> .	Aiakaekua, Popolo	U.S.A. (HI)	Solanaceae	E	530	17.96(a)	NA
<i>Spermolepis hawaiiensis</i> .	No common name ..	U.S.A. (HI)	Apiaceae	E	559	17.96(a)	NA
<i>Stenogyne kanehoana</i> .	No common name ..	U.S.A. (HI)	Lamiaceae	E	466	17.96(a)	NA
<i>Tetramolopium filiforme</i> .	No common name ..	U.S.A. (HI)	Asteraceae	E	448	17.96(a)	NA
<i>Tetramolopium lepidotum</i> ssp. <i>lepidotum</i> .	No common name ..	U.S.A. (HI)	Asteraceae	E	448	17.96(a)	NA
<i>Tetraplasandra gymnocarpa</i> .	Oheohe	U.S.A. (HI)	Asteraceae	E	536	17.96(a)	NA
<i>Trematolobelia singularis</i> .	No common name ..	U.S.A. (HI)	Campanulaceae	E	591	17.96(a)	NA
<i>Urera kaalae</i>	Opuhe	U.S.A. (HI)	Urticaceae	E	448	17.96(a)	NA
<i>Vigna o-wahuensis</i> ..	No common name ..	U.S.A. (HI)	Fabaceae	E	559	17.96(a)	NA
<i>Viola chamissoniana</i> ssp. <i>chamissoniana</i> .	Olopu	U.S.A. (HI)	Violaceae	E	448	17.96(a)	NA
<i>Viola oahuensis</i>	No common name ..	U.S.A. (HI)	Violaceae	E	591	17.96(a)	NA
FERNS AND ALLIES							
<i>Adenophorus periers</i>	Pendant kihi fern	U.S.A. (HI)	Grammitidaceae	E	559	17.96(a)	NA
<i>Ctenitis squamigera</i>	Pauoa	U.S.A. (HI)	Aspleniaceae	E	553	17.96(a)	NA
<i>Diellia erecta</i>	No common name ..	U.S.A. (HI)	Aspleniaceae	E	559	17.96(a)	NA
<i>Diellia falcata</i>	No common name ..	U.S.A. (HI)	Aspleniaceae	E	448	17.96(a)	NA
<i>Diellia unisora</i>	No common name ..	U.S.A. (HI)	Aspleniaceae	E	541	17.96(a)	NA
<i>Diplazium molokaiense</i> .	No common name ..	U.S.A. (HI)	Aspleniaceae	E	553	17.96(a)	NA
<i>Marsilea villosa</i>	Ihihi	U.S.A. (HI)	Marsiliaceae	E	474	17.96(a)	NA
<i>Phlegmariurus (Lycopodium) nutans</i> .	Wawaeiole	U.S.A. (HI)	Lycopodiaceae	E	536	17.96(a)	NA
<i>Pteris lidgatei</i>	No common name ..	U.S.A. (HI)	Adiantaceae	E	553	17.96(a)	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*		*

3. Section 17.96, as proposed to be amended at 65 FR 66865, November 7, 2000, 65 FR 79192 (December 18, 2000), 65 FR 82086 (December 27, 2000), 65 FR 83193 (December 29, 2000), 67 FR 4072 (January 28, 2002), 67 FR 9806 (March 4, 2002), 67 FR 15856 (April 3, 2002), 67 FR 16492 (April 5, 2002), 67 FR 34522 (May 14, 2002) and elsewhere in this issue of the **Federal Register** (Big Island Hawaii) is proposed to be further amended as follows:

a. Add paragraph (a)(1)(i)(I); and

b. Amend paragraph (a)(1)(ii)(A) and (B) by adding the entries set forth below.

§ 17.96 Critical habitat-plants.

(a) * * *

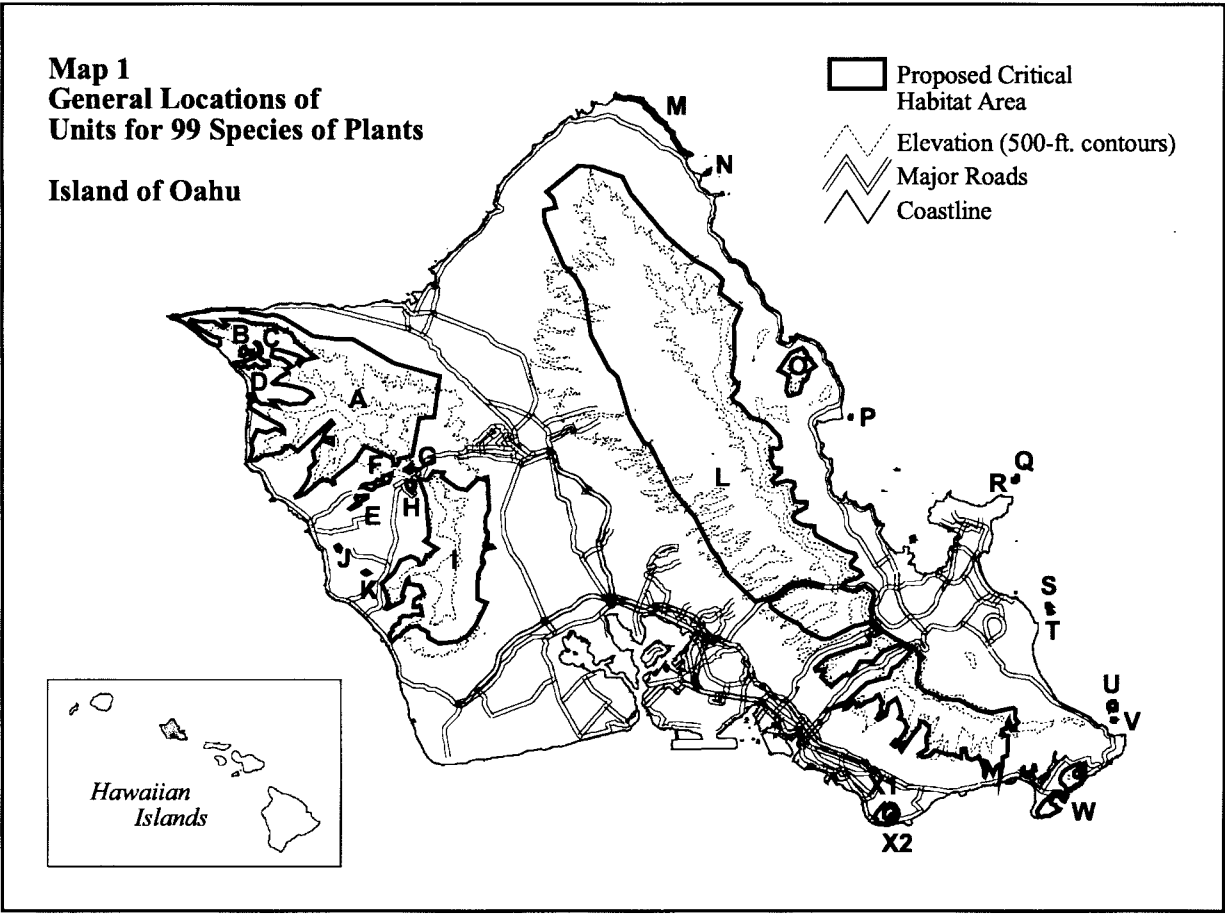
(1) * * *

(i) Maintain *Maps and critical habitat unit descriptions*. The following sections contain the legal descriptions of the critical habitat units designated for each of the Hawaiian Islands. Existing manmade features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, railroads, telecommunication equipment, telemetry antennas, radars, missile launch sites, arboreta and gardens, heiaus (indigenous place of worship, shrine), airports, other paved areas,

lawns, and other rural residential landscaped areas do not contain one or more of the primary constituent elements described for each species in paragraphs (a)(1)(ii)(A) and (a)(1)(ii)(B) of this section and are not included in the critical habitat designation.

(I) *Oahu*. Critical habitat units are described below. Coordinates are in UTM Zone 5 with units in meters using North American Datum of 1983 (NAD83). The following map shows the general locations of the 25 critical habitats units designated on the island of Oahu.

(1) **Note:** Map 1—Index map follows:



(2) Oahu A (8,504 ha, 21,013 ac).

(i) Unit consists of the following 129 boundary points: 584950, 2377432; 585671, 2377146; 585659, 2377618; 585016, 2377625; 585092, 2377943;

585733, 2378575; 585538, 2378784; 583246, 2376657; 582737, 2377043; 582396, 2376973; 582116, 2376586; 580873, 2376363; 580475, 2376039; 579928, 2376027; 580207, 2376763;

580077, 2377208; 580463, 2378115; 581095, 2377940; 581741, 2378223; 582348, 2377927; 582352, 2378103; 582079, 2378466; 580956, 2379031; 580053, 2379577; 579916, 2379943;

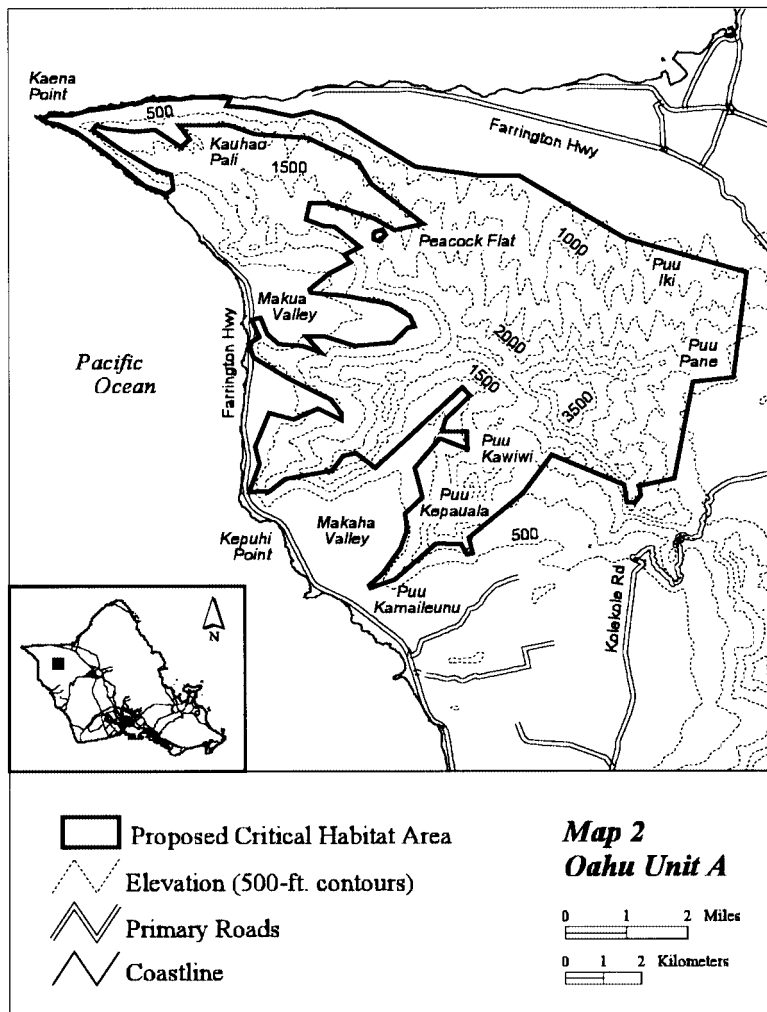
580195, 2380119; 579990, 2380577;
 580239, 2380639; 580400, 2380204;
 580711, 2379943; 581339, 2379885;
 581818, 2379719; 581445, 2380141;
 581917, 2380146; 582701, 2379888;
 583715, 2379970; 584093, 2380363;
 584290, 2380395; 584158, 2380660;
 583632, 2380990; 582472, 2381212;
 581560, 2381299; 581525, 2381376;
 582048, 2381795; 582606, 2382084;
 582448, 2382291; 582852, 2382503;
 582190, 2383041; 581891, 2383049;
 581445, 2383224; 581544, 2383659;
 581994, 2383664; 583254, 2383233;
 583771, 2382937; 584528, 2383106;
 583163, 2384156; 582817, 2384756;
 581496, 2385379; 580099, 2385471;
 579431, 2385710; 578101, 2385710;
 578396, 2385344; 578151, 2385138;
 577468, 2385588; 576935, 2385536;

576208, 2385632; 575911, 2385714;
 575829, 2385586; 576581, 2385071;
 577457, 2384544; 577898, 2384416;
 577948, 2384016; 577765, 2383898;
 577185, 2384117; 576277, 2384883;
 575412, 2385521; 574908, 2385747;
 574600, 2385794; 574538, 2385893;
 574683, 2385979; 575263, 2385990;
 575698, 2386095; 576517, 2386212;
 576821, 2386287; 576902, 2386302;
 576929, 2386276; 577139, 2386330;
 577147, 2386349; 577336, 2386382;
 577539, 2386382; 577539, 2386383;
 578164, 2386410; 578534, 2386464;
 579454, 2386447; 579361, 2386220;
 580107, 2386178; 581087, 2385955;
 581593, 2386070; 582279, 2385848;
 584310, 2384610; 585987, 2384377;
 587049, 2384382; 589845, 2382717;
 593031, 2381826; 592675, 2379038;

591610, 2378927; 591125, 2376370;
 590184, 2376161; 590237, 2375925;
 590078, 2375730; 589871, 2375739;
 589804, 2376190; 587886, 2376990;
 587134, 2375976; 585708, 2374809;
 585805, 2374401; 585659, 2374361;
 585509, 2374635; 584838, 2374660;
 583757, 2373710; 583115, 2373484;
 583076, 2373552; 583436, 2373865;
 583905, 2374537; 584086, 2375018;
 584030, 2375455; 584478, 2375878;
 584279, 2376661; 584950, 2377432.

(ii) Excluding the area consisting of the following six boundary points (7 ha; 17 ac): 583216, 2382880; 583450, 2382956; 583543, 2382821; 583374, 2382640; 583216, 2382693; 583216, 2382880.

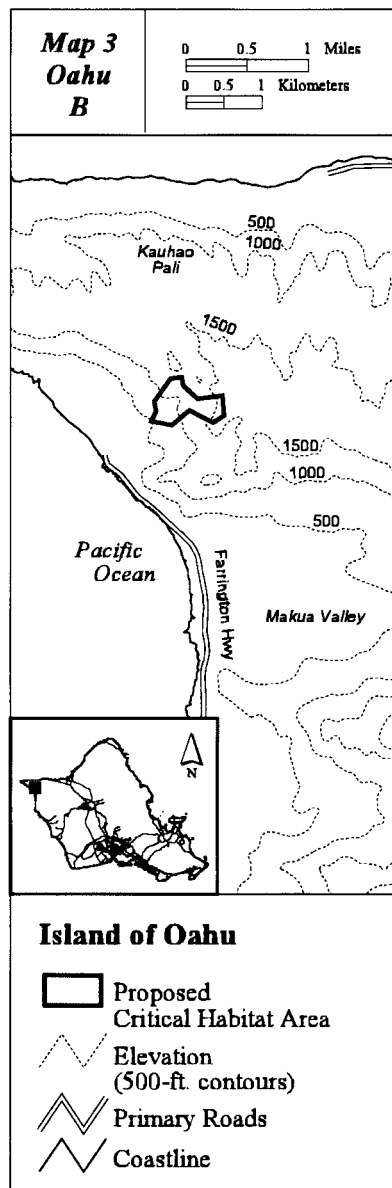
(iii) Note: Map 2 follows:



(3) Oahu B (34 ha, 83 ac).

(i) Unit consists of the following 13 boundary points: 579694, 2383749; 579887, 2383567; 580216, 2383613; 580233, 2383353; 580093, 2383252; 579781, 2383420; 579551, 2383218; 579281, 2383273; 579340, 2383412; 579313, 2383539; 579533, 2383839; 579678, 2383853; 579694, 2383749.

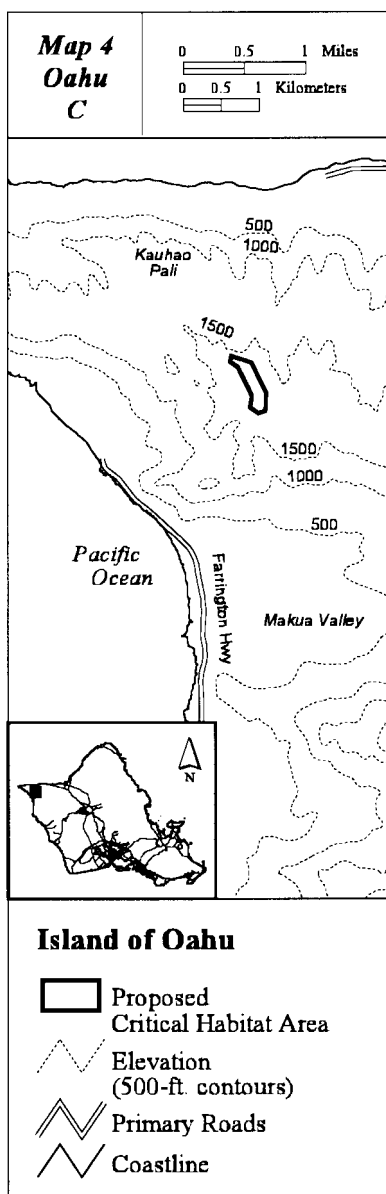
(ii) Note: Map 3 follows:



(4) Oahu C (14 ha, 35 ac).

(i) Unit consists of the following 10 boundary points: 580634, 2383658; 580448, 2384031; 580348, 2384103; 580359, 2384180; 580622, 2384091; 580816, 2383697; 580809, 2383460; 580717, 2383424; 580606, 2383503; 580634, 2383658.

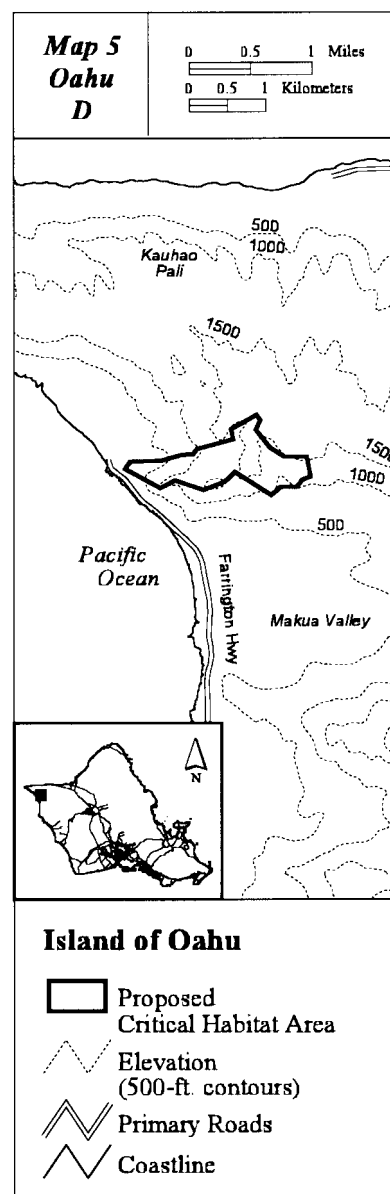
(ii) Note: Map 4 follows:



(5) Oahu D (110 ha, 271 ac).

(i) Unit consists of the following 25 boundary points: 580281, 2383222; 580606, 2383411; 580655, 2383344; 580602, 2383210; 580789, 2382976; 580968, 2382856; 581269, 2382857; 581319, 2382595; 581206, 2382556; 581138, 2382463; 580929, 2382460; 580805, 2382349; 580325, 2382658; 580194, 2382531; 579912, 2382420; 579539, 2382543; 579344, 2382444; 578880, 2382694; 578948, 2382793; 579364, 2382805; 579630, 2382884; 579781, 2382892; 579832, 2382960; 580303, 2383087; 580281, 2383222.

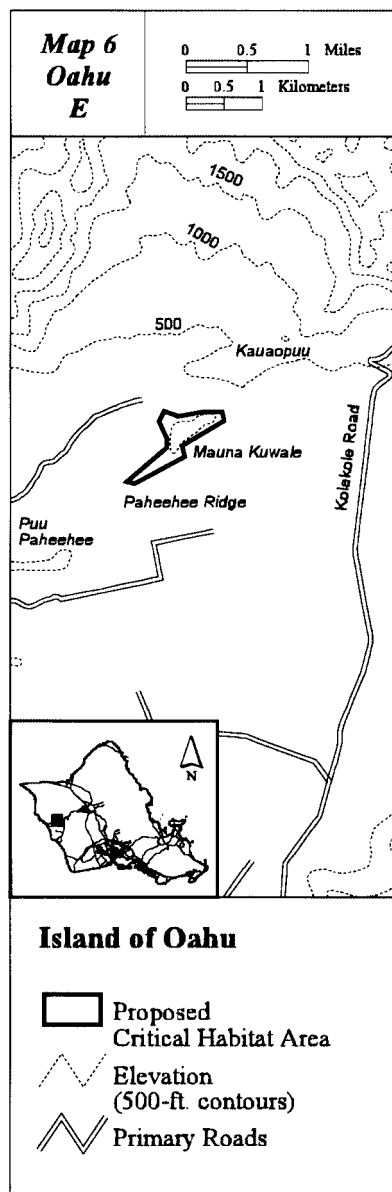
(ii) Note: Map 5 follows:



(6) Oahu E (38 ha, 94 ac).

(i) Unit consists of the following 13 boundary points: 587490, 2373552; 587822, 2373610; 588066, 2373607; 588093, 2373488; 587547, 2373162; 587575, 2373016; 586913, 2372659; 586819, 2372688; 587343, 2373135; 587340, 2373263; 587234, 2373485; 587305, 2373618; 587490, 2373552.

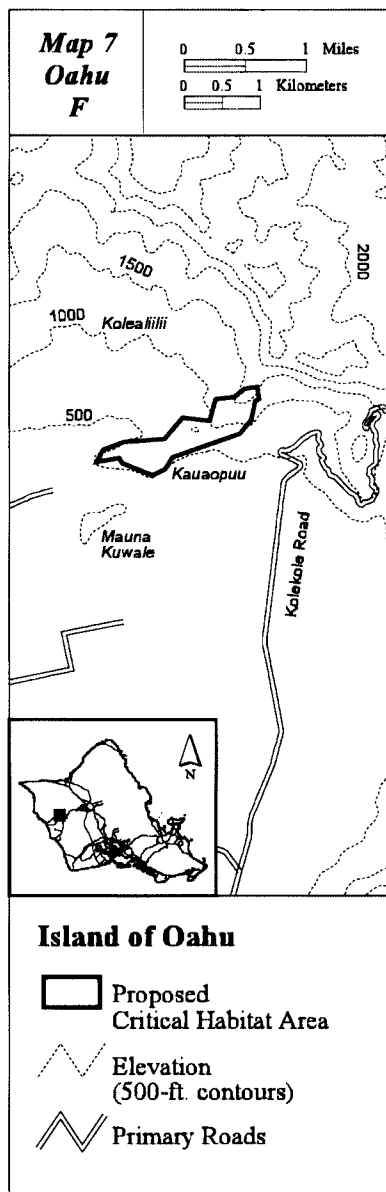
(ii) Note: Map 6 follows:



(7) Oahu F (81 ha, 200 ac).

(i) Unit consists of the following 20 boundary points: 587685, 2374312; 587953, 2374412; 588499, 2374458; 588734, 2374736; 589087, 2374687; 589164, 2374979; 589410, 2375004; 589548, 2375117; 589718, 2375138; 589743, 2374983; 589691, 2374952; 589636, 2374708; 589487, 2374525; 588596, 2374211; 588507, 2374058; 588331, 2373970; 587938, 2374132; 587898, 2374199; 587599, 2374147; 587685, 2374312.

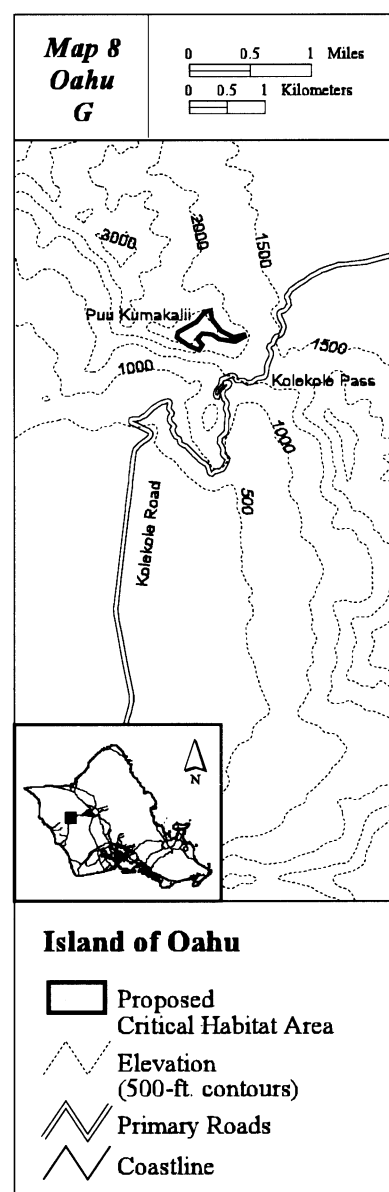
(ii) **Note:** Map 7 follows:



(8) Oahu G (16 ha, 40 ac).

(i) Unit consists of the following 19 boundary points: 590995, 2375723; 591072, 2375735; 591090, 2375622; 591212, 2375467; 591381, 2375387; 591513, 2375416; 591525, 2375393; 591395, 2375323; 591181, 2375356; 591100, 2375416; 590964, 2375432; 590898, 2375362; 590966, 2375282; 590921, 2375214; 590793, 2375263; 590625, 2375384; 590645, 2375451; 590888, 2375585; 590995, 2375723.

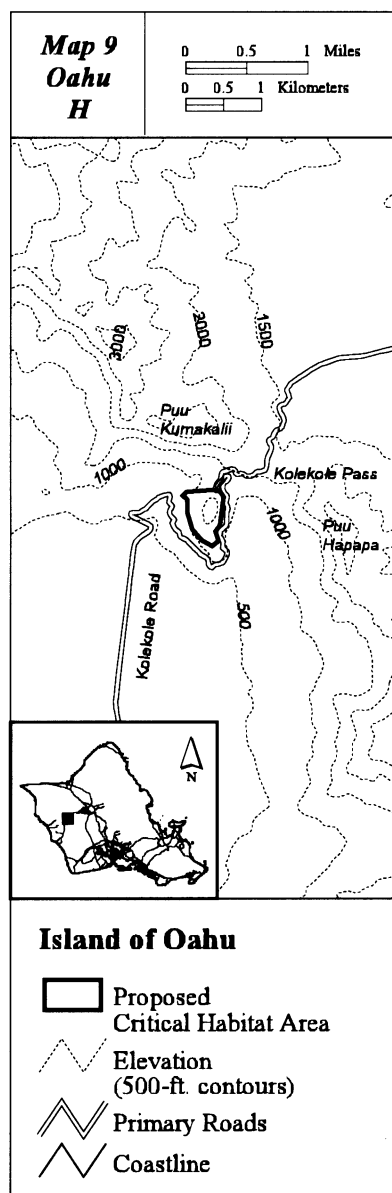
(ii) **Note:** Map 8 follows:



(9) Oahu H (28 ha, 68 ac).

(i) Unit consists of the following 14 boundary points: 590764, 2374307; 590763, 2374472; 590700, 2374526; 590756, 2374578; 591092, 2374606; 591195, 2374587; 591248, 2374509; 591194, 2374127; 591134, 2374054; 591180, 2373922; 591094, 2373854; 590957, 2373933; 590826, 2374078; 590764, 2374307.

(ii) **Note:** Map 9 follows:

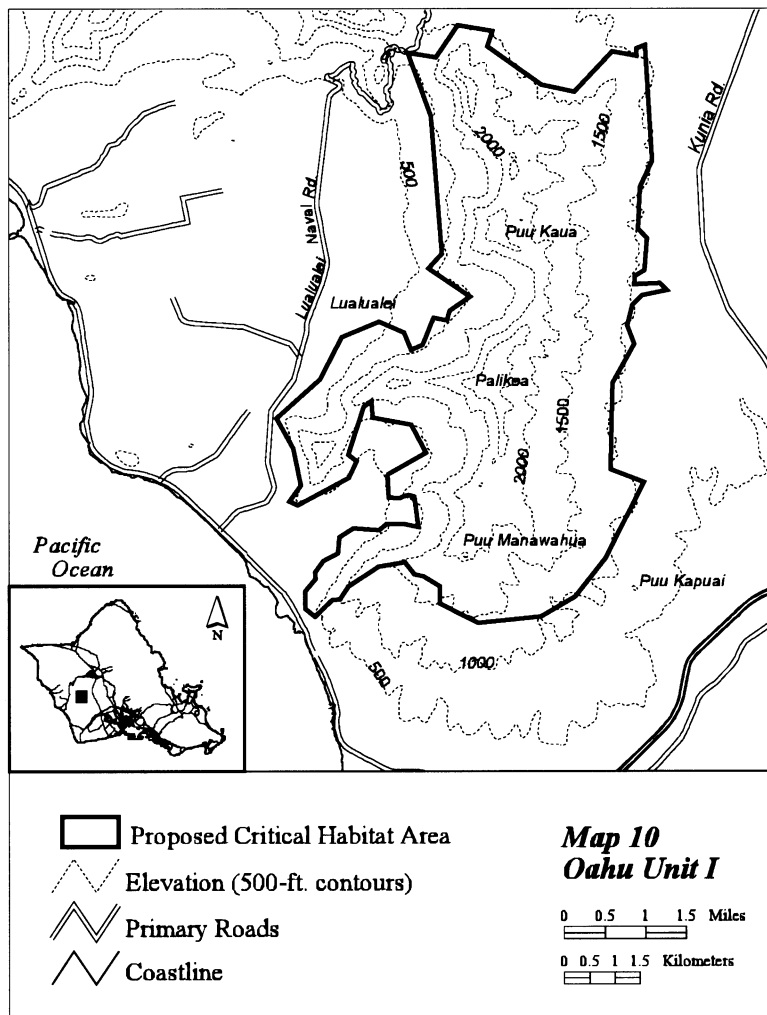


(10) Oahu I (5,108 ha, 12,623 ac).

(i) Unit consists of the following 88 boundary points: 591216, 2366381; 591982, 2366817; 591691, 2367372; 590921, 2367515; 590903, 2367852; 590740, 2367734; 590438, 2366785; 590602, 2366656; 590452, 2366324; 589437, 2365779; 589274, 2365854; 589506, 2366168; 589343, 2366913; 589024, 2367508; 589876, 2368279; 590308, 2369112; 591047, 2369419; 591542, 2369212; 591680, 2368861; 591915, 2368960; 592125, 2369494; 592399, 2369453; 592450, 2369644; 592858, 2369920; 592024, 2370471; 592290, 2370765; 592078, 2373499; 591626, 2374755; 592184, 2374670; 592614, 2375298; 593304, 2375183; 593191, 2374882; 594258, 2374119; 594913, 2373987; 595654, 2374786; 596144, 2374692; 596144, 2374844; 596305, 2374913; 596443, 2372614; 596207, 2372094; 596174, 2371267; 596352, 2371074; 596301, 2370442; 596100, 2370329; 596086, 2370155; 596604, 2370178; 596742, 2370040; 596249, 2369943; 596055, 2369758; 595948, 2369350; 596098, 2368982; 595665, 2368199; 595626, 2366488; 596281, 2366231; 595522, 2364723; 594929, 2363957; 594256, 2363568; 593002, 2363438; 592261, 2363823; 592254, 2364166; 591923, 2364366; 591746, 2364409; 591557, 2364645; 591037, 2364559; 590435, 2364159; 590272, 2363910; 590125, 2363901; 589781, 2363570; 589592, 2363721; 589588, 2364069; 589790, 2364314; 589786, 2364443; 589945, 2364675; 590241, 2364821; 590263, 2365140; 590539, 2365314; 591056, 2365277; 591200, 2365406; 591519, 2365415; 591827, 2365351; 591748, 2365947; 591738, 2365951; 591637, 2365979; 591602, 2365972; 591533, 2365957;

591460, 2365917; 591235, 2365936; 591216, 2366381.

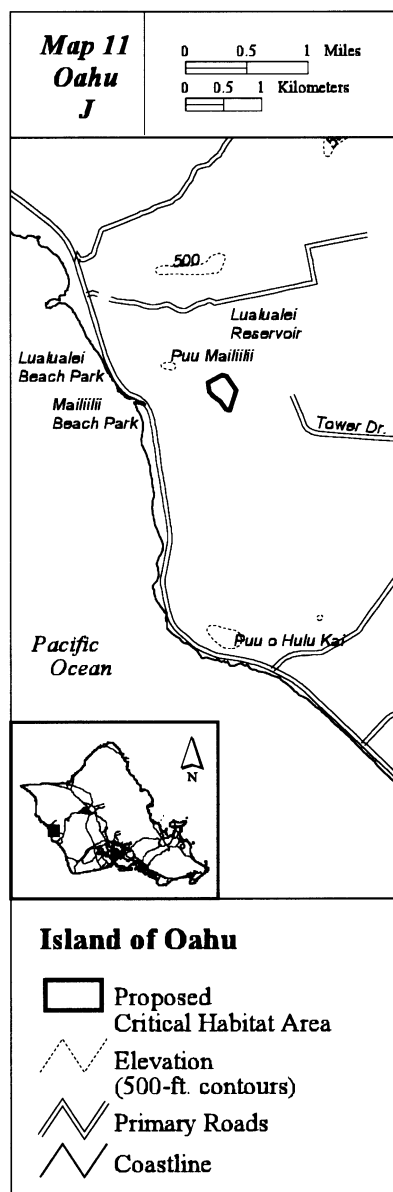
(ii) **Note:** Map 10 follows:



(11) Oahu J (10 ha, 25 ac).

(i) Unit consists of the following ten boundary points: 586105, 2369712; 586019, 2369826; 585929, 2369900; 585878, 2369958; 585860, 2370075; 586047, 2370180; 586105, 2370159; 586228, 2369973; 586148, 2369708; 586105, 2369712.

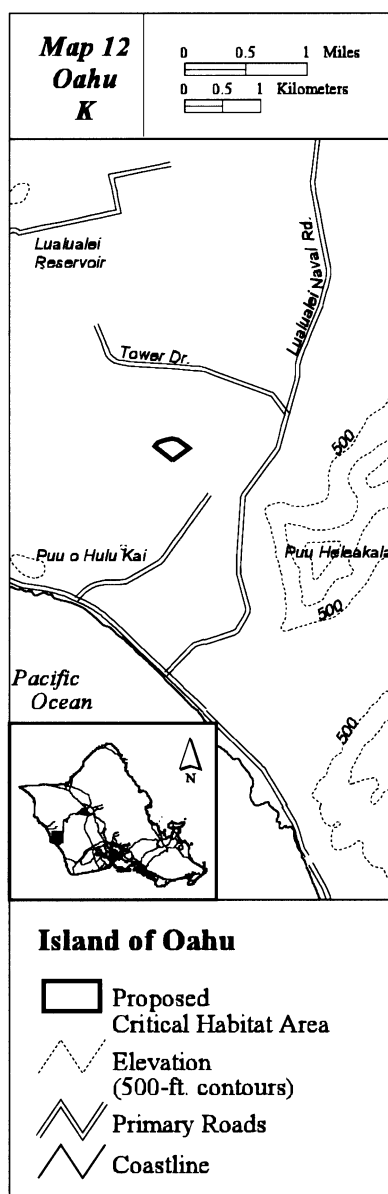
(ii) Note: Map 11 follows:



(12) Oahu K (7 ha, 18 ac).

(i) Unit consists of the following eight boundary points: 587975, 2368114; 587736, 2368302; 587784, 2368350; 587880, 2368389; 587969, 2368407; 588041, 2368390; 588193, 2368272; 587975, 2368114.

(ii) Note: Map 12 follows:



(13) Oahu L (30,068 ha, 74,301 ac).

(i) Unit consists of the following 247 boundary points: 630472, 2354716; 630100, 2355624; 629580, 2355419; 629301, 2355527; 629162, 2356203; 628907, 2356125; 628855, 2355534; 628391, 2355772; 628053, 2355755; 627070, 2356063; 626669, 2355661; 626214, 2355599; 625962, 2355819; 626440, 2356093; 626520, 2356196; 626441, 2356918; 626678, 2357357; 626649, 2357694; 626282, 2358028; 626067, 2358099; 626022, 2357714; 625616, 2357251; 625324, 2356852; 624769, 2356015; 624665, 2356158; 624810, 2356492; 624733, 2356592; 624312, 2356301; 624120, 2356499; 624386, 2356808; 624519, 2356754; 624644, 2356803; 625017, 2357329; 625143, 2357659; 624967, 2358116; 624604, 2358276; 624760, 2358514; 624614, 2359138; 624420, 2359643; 623879, 2359238; 623709, 2358524;

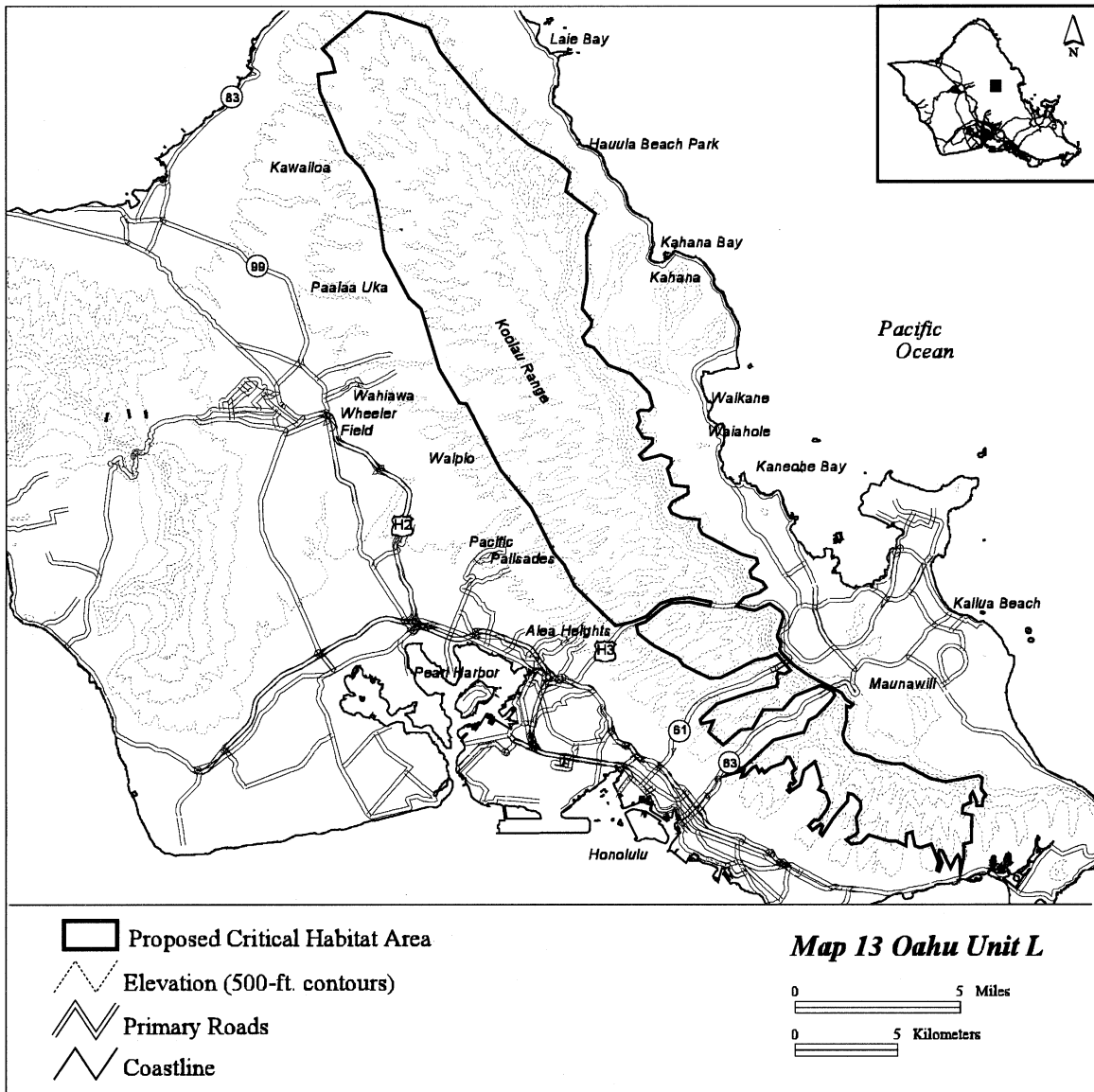
623169, 2358149; 623081, 2358237; 623229, 2358330; 623152, 2358462; 623235, 2358611; 623389, 2358572; 623477, 2358682; 623368, 2358806; 623323, 2359133; 623468, 2359271; 623191, 2359887; 623070, 2359870; 622882, 2359571; 622300, 2359375; 621959, 2359117; 621849, 2359276; 621711, 2359133; 621546, 2359436; 621383, 2359351; 621014, 2358958; 620851, 2358914; 620942, 2359237; 620122, 2358980; 620543, 2359252; 620950, 2359361; 622396, 2360697; 623890, 2361098; 624124, 2361689; 624497, 2361860; 625196, 2362592; 625395, 2362905; 625302, 2363098; 624704, 2363373; 623455, 2362882; 622842, 2362180; 621909, 2362178; 621370, 2361266; 620803, 2361210; 619955, 2360463; 619241, 2361098; 619485, 2361645; 618895, 2361516; 618817, 2361712; 619665, 2362481; 621304, 2363049; 622555, 2363345; 622625, 2363548; 622551, 2363798; 622638, 2363988; 622939, 2363923; 623240, 2364110; 622549, 2364906; 622070, 2364700; 621516, 2364619; 619844, 2363773; 619306, 2363732; 618018, 2364365; 617769, 2364712; 616590, 2365310; 616218, 2365592; 615788, 2365918; 615698, 2366342; 616146, 2366497; 616978, 2367173; 617442, 2367401; 618298, 2367467; 619284, 2367246; 619350, 2367450; 618298, 2367670; 617418, 2367589; 616872, 2367369; 616187, 2366749; 615502, 2366480; 614715, 2366305; 612726, 2368229; 612213, 2369265; 611690, 2369886; 610594, 2372095; 609095, 2373932; 607429, 2377141; 607076, 2377223; 606097, 2378881; 605220, 2381803; 604636, 2382351; 603415, 2384650; 603167, 2386304; 602914, 2387638; 602349, 2388646; 601544, 2389445; 600257, 2392431; 600187, 2393272; 601024, 2393410; 600830, 2394049; 600377, 2394522; 602551, 2396317; 603610, 2396217; 605573, 2395548; 606141, 2394360; 608595, 2391432; 610456, 2389829; 611781, 2389129; 612485, 2388484; 612286, 2387566; 613734, 2386451; 613275, 2385352; 613314, 2383180; 613082, 2381819; 613547, 2381214; 613507, 2380935; 613089, 2380404; 613241, 2380052; 613647, 2379899; 614362, 2379040; 615438, 2378645; 616347, 2377697; 616509, 2377025; 616330, 2376842; 615916, 2376860; 615761, 2376728; 615884, 2376328; 615745, 2376016; 616023, 2375527; 616498, 2375480; 616476, 2375235; 615846, 2374664; 616051, 2374429; 616922, 2374655; 617401, 2374499; 617428, 2374263; 617214, 2373976; 617446, 2373188; 618238, 2373106; 618224, 2372771; 617446, 2372342; 617311, 2372083; 617424, 2371813;

617953, 2371576; 618784, 2371489;
618773, 2371099; 618907, 2370820;
620838, 2369795; 621571, 2369604;
621650, 2369367; 621267, 2368961;
621323, 2368668; 621884, 2368434;
622056, 2368173; 621695, 2367902;
620962, 2367677; 620605, 2367259;
621160, 2367110; 621495, 2367050;
622240, 2367375; 622811, 2366967;
622868, 2366712; 622597, 2365765;
622759, 2365413; 622709, 2365156;
622784, 2364960; 623415, 2364346;

624146, 2363841; 625731, 2363030;
625923, 2362695; 626282, 2362445;
626140, 2362302; 625971, 2362363;
625953, 2361656; 625785, 2360976;
625863, 2360608; 626338, 2360087;
627103, 2359897; 627409, 2359692;
628198, 2359542; 628683, 2359547;
630084, 2358798; 630825, 2358657;
632432, 2358970; 632589, 2358852;
632556, 2358317; 632776, 2357999;
632629, 2357845; 632595, 2357490;
632325, 2357479; 632308, 2357738;

632117, 2358148; 632000, 2357971;
632038, 2357642; 631661, 2357473;
631618, 2357125; 632107, 2357040;
632062, 2355691; 631695, 2355601;
631703, 2355280; 631699, 2354977;
631532, 2354149; 631517, 2354916;
631428, 2355081; 631285, 2354916;
631057, 2354415; 630644, 2355292;
630484, 2355323; 630457, 2355102;
630644, 2354689; 630488, 2354267;
630389, 2354343; 630472, 2354716.

(ii) Note: Map 13 follows:



(14) Oahu M (100 ha, 246 ac).

(i) Unit consists of the following 66 boundary points: 605075, 2401114; 605050, 2401154; 605103, 2401171; 605130, 2401169; 605155, 2401135; 605240, 2401108; 605306, 2401120; 605397, 2401050; 605439, 2401040; 605516, 2401036; 605556, 2401006;

605705, 2400985; 605892, 2401002; 605974, 2401051; 606009, 2401054; 606082, 2401044; 606286, 2400994; 606487, 2400973; 606811, 2400952; 607170, 2400618; 607182, 2400505; 607216, 2400450; 607264, 2400416; 607294, 2400407; 607455, 2400278; 607707, 2400136; 608018, 2399654;

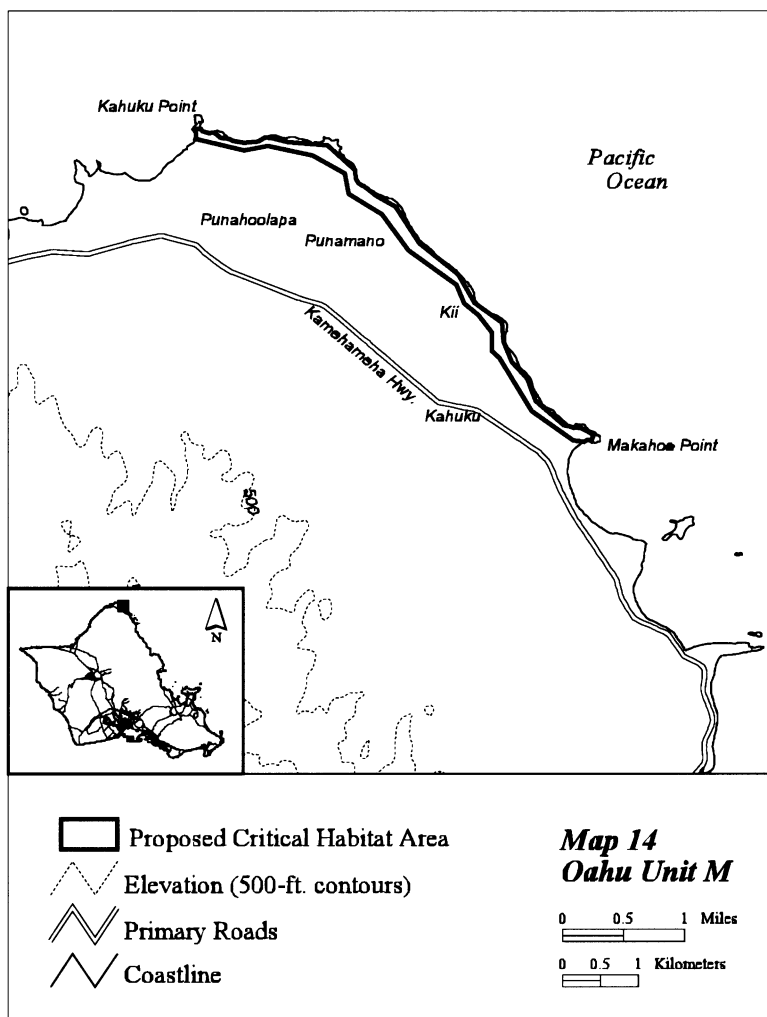
608529, 2399247; 608541, 2399223; 608541, 2399222; 608751, 2398862; 609109, 2398604; 609125, 2398360; 609242, 2398091; 609441, 2397864; 609549, 2397569; 609925, 2397252; 610007, 2397236; 610009, 2397234; 610053, 2397216; 610058, 2397227; 610160, 2397208; 610302, 2397128;

610310, 2397106; 610285, 2397037;
610265, 2397056; 610235, 2397053;
610193, 2397026; 610049, 2397044;
609503, 2397435; 609075, 2398137;
608976, 2398230; 608976, 2398474;

608798, 2398707; 608608, 2398855;
608506, 2399104; 607877, 2399558;
607524, 2400032; 607089, 2400309;
607033, 2400576; 606615, 2400810;
606022, 2400942; 605706, 2400878;

605065, 2401033; 605075, 2401060;
605075, 2401114.

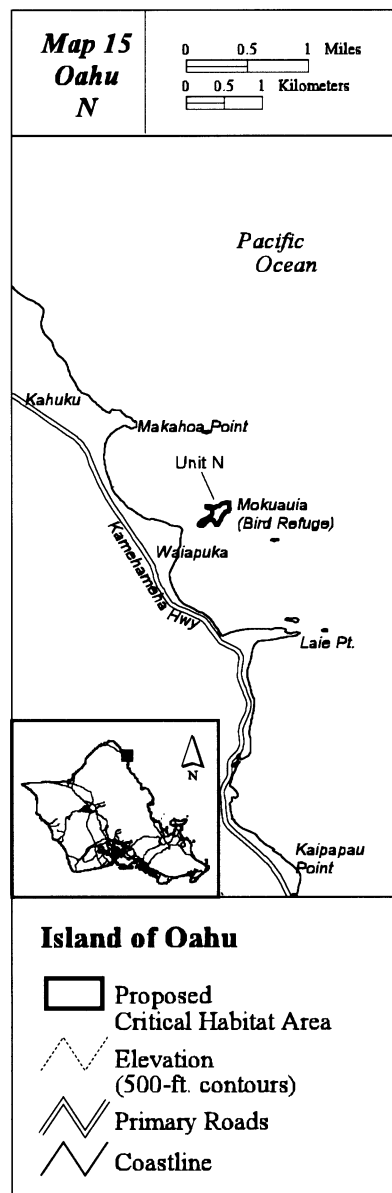
(ii) **Note:** Map 14 follows:



(15) Oahu N (5 ha, 12 ac).

(i) Unit consists of the entire offshore island located at approximately: 611477, 2395905.

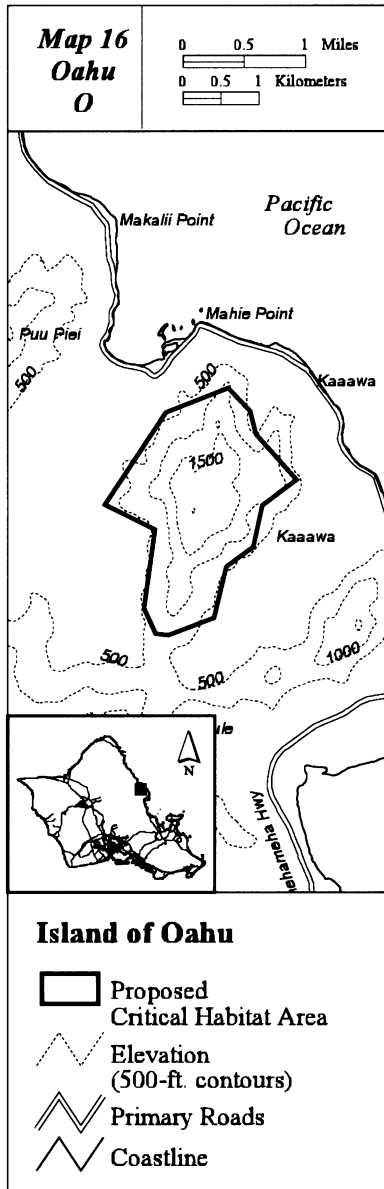
(ii) **Note:** Map 15 follows:



(16) Oahu O (431 ha, 1,066 ac).

(i) Unit consists of the following 15 boundary points: 617935, 2381391; 617776, 2380713; 617169, 2380478; 617006, 2380498; 616849, 2380834; 616997, 2381875; 616333, 2382207; 617139, 2383429; 617958, 2383753; 618243, 2383442; 618321, 2383143; 618857, 2382536; 618408, 2382201; 618290, 2381653; 617935, 2381391.

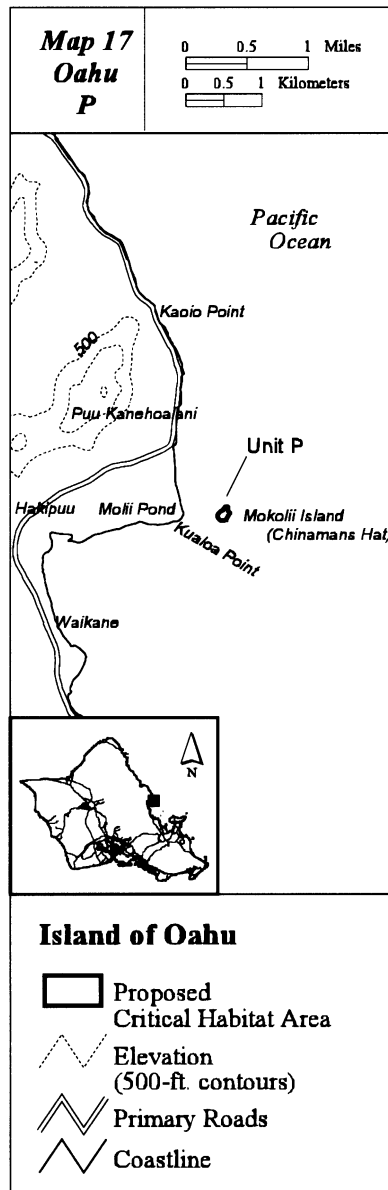
(ii) Note: Map 16 follows:



(17) Oahu P (2 ha, 3 ac).

(i) Unit consists of the entire offshore island located at approximately: 621249, 2378985.

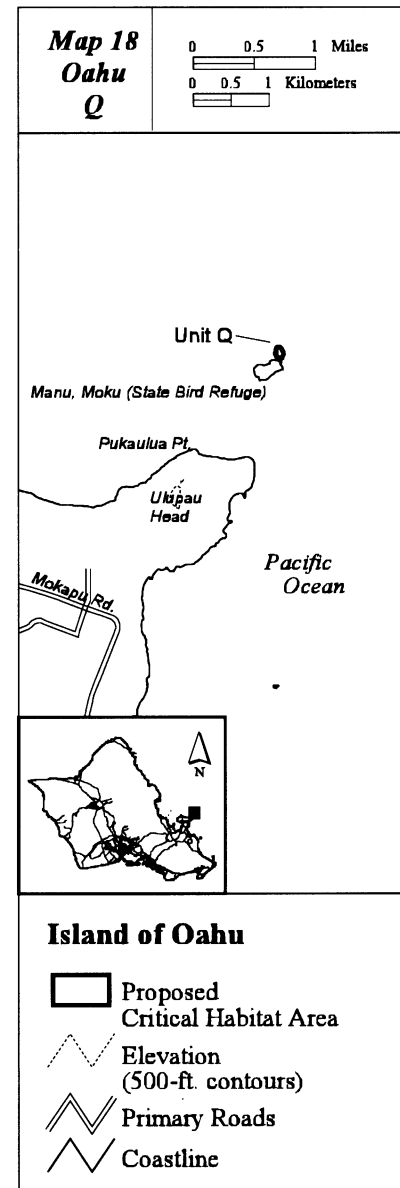
(ii) Note: Map 17 follows:



(18) Oahu Q (1 ha, 3 ac).

(i) Unit consists of the entire offshore island located at approximately: 632741, 2374904.

(ii) Note: Map 18 follows:



(19) Oahu R (6 ha, 15 ac).

(i) Unit consists of the entire offshore island located at approximately: 632595, 2374679.

(ii) Note: Map 19 follows: